

March 30, 2000

Via e-mail

Mr. David O. Carson  
General Counsel  
Office of the General Counsel  
United States Copyright Office  
James Madison Memorial Building  
Room LM-403  
101 Independence Ave., S.E.  
Washington, D.C. 20559-6000

RE: Docket No. #RM 99-7A

Dear Mr. Carson:

I write on behalf of the Digital Future Coalition (DFC), an organization that consists of 42 national organizations representing a wide range of for-profit and non-profit entities. Our membership includes educators, computer and telecommunications industry associations, libraries, artists, software and hardware producers, archivists and scientists. (A membership list is attached.). As active participants in the passage of the Digital Millennium Copyright Act and creators and users of intellectual property, our membership has a fundamental stake in the 1201(a) rulemaking process. The DFC would urge you to carefully consider any rules that might compromise the potential of the digital medium by overly restricting access to information. More importantly, it is critically important that rules governing the "circumvention of technological protection measures" maintain in effect and intent, the fundamental principles of American intellectual property law such as fair use.

Many of our members have already filed separate, specific comments regarding 1201(a). As is abundantly clear from the comments of DFC member groups such as the American Library Association, the Computer and Communications Industry Association and the Electronic Frontier Foundation, access to digital information is paramount to business, educational and consumer interests. Without a rule ensuring that they can lawfully circumvent technological measures protecting certain classes of works and to make fair use of information, institutions such as libraries and archives will be unable to loan and preserve materials and scientists and companies will lose the ability to check for security breaches or to correct programming errors in "protected" software. As the Library of Congress audio-visual collection preservation team made clear in their own filing in this proceeding, circumvention will be necessary to preserve classes of works for future generations. Archives and others in the private sector similarly will need to circumvent technical measure to engage in traditional fair use activities.

In short, while we understand the necessity of protecting software and digital information products from piracy, the Digital Future Coalition contends that rigid implementation of section 1201(a)(1) would upset the critical balance between the interests of content creators and information users that is well-established in American Copyright law and was reaffirmed by Congress in adopting the DMCA.

Thank you for the consideration of these comments and the DFC and its members look forward to working with you to create a fair and balanced rule for section 1201(a)(1).

Respectfully,

Skip Lockwood  
Coordinator

***Membership of the Digital Future Coalition***

**Alliance for Public Technology  
American Association of Law Libraries  
American Association of Legal Publishers  
American Association of School Administrators  
American Committee for Interoperable Systems  
American Council of Learned Societies  
American Historical Association  
American Library Association  
Art Libraries Society of North America  
Association for Computers and the Humanities  
Association of American Geographers  
Association of Research Libraries  
Chief Officers of State Library Agencies  
College Art Association  
Committee of Concerned Intellectual Property Educators  
Computer & Communications Industry Association  
Computer Professionals for Social Responsibility  
Conference on College Composition and Communications  
Consortium on School Networking  
Consortium of Social Science Associations  
Consumer Federation of America  
Consumer Project on Technology  
Electronic Frontier Foundation  
Electronic Privacy Information Center  
Home Recording Rights Coalition  
International Society for Telecommunications in Education**

**Medical Library Association**  
**Modern Language Association**  
**Music Library Association**  
**National Association of Independent Schools**  
**National Council of Teachers of English**  
**National Education Association**  
**National Humanities Alliance**  
**National Initiative for a Networked Cultural Heritage**  
**National School Boards Association**  
**National Writers Union**  
**Society for Cinema Studies**  
**Society of American Archivists**  
**Special Libraries Association**  
**United States Catholic Conference**  
**United States Distance Learning Association**  
**Visual Resources Association**