

March 31, 2000

David O. Carson, Esq.
General Counsel
Copyright GC/I&R
Southwest Station
Washington, DC 20024

Dear Mr. Carson,

I wish to express my discontent with the current Digital Millennium Copyright Act (DMCA). Specifically, the sections preventing reverse engineering of software deter innovation.

Article I, section 8 of the Constitution states that the purpose of copyright is "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." Used judiscally, copyright fosters innovation by incentivizing inventors to publically disclose their creations. Copyrights did not, however, prevent other inventors from discovering for themselves how the inventions worked. Such actions were covered under patent law, not copyright. With the DMCA, however, such action is legally actionable under copyright law.

Reverse engineering is vital to continued innovation in the field of computer software. As a software engineer, I routinely learn from other developers. I use their programs, try to understand their inner workings, and read their computer source code to learn from the original author. For some areas of computer programming, reverse engineering is the only way to show a program's strength. An encryption algorithm will only be considered secure when dozens of security experts throughout the world have read the source code and tried to break the security mechanisms. The DMCA would make the very process of computer security programming illegal.

Please reconsider the enforcement of the DMCA. The law will deter software engineering.

Thank you for your time,

David Lacy Kusters