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Thank you for this opportunity to express my opinion of the DMCA.

My name is Marcia K. Wilbur and I am a computer science major. Recently, I attended Arizona State University as a computer science major in the college of engineering and applied sciences. I also served as the Associated Students of ASU Senator for the College of Engineering and Applied Sciences. ASU has an IEEE CS library which I volunteered 20 hours per week as well.

I would like to discuss a few things about this act.
The DMCA is an interesting first attempt to regulate actions of the Internet with the use of computers to protect 'real time' laws.

First of all, while at least it is a start, it is also broad based. This act could be used to harass people who simply have links to pages that could have information or utilities that circumvent copyright acts. Judges and lawyers with little or no technical knowledge can interpret the act in many ways.

Due to the broad nature of the act and the complexity of computer networking and the world wide web and Internet, many innocent people could be found guilty while many guilty people could be found innocent.

The Copyright Act, Title 17 U.S.C. § 1201(a)(2), provides that:

[n]o person shall manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component, or part thereof, that

(A) is primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to a work protected under this title;

Secondly, in relation to the above text,

Was the tape recorder was designed to record music? No, but it does.

Was the cd burner developed to illegally copy software and music? No but it does.

And what about the VCR? Was the vcr, with the RECORD button developed for copying copyrighted materials. I could argue under this act that YES! it was. What other reason is there for that record button? to record video game plays?

(B) has only limited commercially significant purpose or use other than to circumvent a technological measure that effectively controls access to a work protected under this title; or

(C) is marketed by that person or another acting in concert with that person with that person's knowledge for use in circumventing a technological measure that effectively controls access to a work protected under this title.

Thirdly, we need to specifically define "offer" and "provide" and "only limited commercially significant purpose" etc.

A judge who knows little about computing might not interpret these phrases correctly. For example a judge who doesn't have a home computer, or who believes that most computers are a windows based system, may interpret design for another operating system is limited, although this may not be the case. Arguments on the definitions of these terms could hold up court cases significantly.

Fourth, in the more recent DeCssh case, I have to say that I have yet to see any movie distributed online.

Video clips are very large.

A twenty second *.avi file with no sound is about 1 mb.

A 3 minute song can be 5 mb.

I ask, what would a 70 minute movie be?

Many downloads of the DeCSS have been for purely intellectual, informative reasons.

The information may lead to newer and more improved developments in technology.

Finally, the Digital Millenium Copyright Act, while a start at regulating copyright materials, is too broad based and needs some fine tuning.

The tangible and intangible worlds have a different set of rules and cannot be governed by the same rules.

It has been inferred by certain people in the legal community, that computer scientists/computer companies/users should not be involved in the process of lawmaking in this area due to conflict of interest issues.

Computer scientists working with lawmakers on this act will make for a reasonable act that will withstand time while not infringing on intellectual freedoms.

Thank you,

Marcia K. Wilbur