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I respectfully request that the identifying information above not be used by any party for any commercial purpose whatsoever. In addition my comments here are my own and as such should have no bearing on my employer. Thank you.

David O. Carson
General Counsel, Copyright GC/I&R
P. O. Box 70400
Southwest Station
Washington, DC 20024
By e-mail: 1201@loc.gov
Comments on 17 USC Section 1201(a)(1), Digital Millennium
Copyright Act

Dear Mr. Carson:

This is a reply comment addressing initial comment numbered 48 by J. Maynard Gelinas. Portions of the initial comment have been reproduced within the body of this reply to facilitate identification of specific ideas contained within the body of the initial comment referenced above.

How will this affect the rights of citizens to use our public libraries? Will copyright owners now be allowed to contractually stipulate in their license that libraries, or their clientele, must purchase per use licenses to access copyrighted materials? Given the trend toward digital content over traditional printed publishing, this is not as crazy as it sounds. Within a few decades it's quite possible that publishing on paper, which I understand will not fall under section (1201(a)(a) and thus will continue to be available to public libraries under "fair use" guidelines simply because it lacks a technical mechanism for copy protection, may become outmoded as paper costs already far exceed the cost of distributing intellectual materials electronically. Should this take place 1201(a)(1) has the potential to essentially criminalize public libraries as we know them, forcing a dichotomy between those who can afford the per use costs charged by copyright holders against those who can't, while gutting a public infrastructure for the dissemination of new ideas.

Information wants to be free. As things stood before the DMCA it more or less was. Anyone can enter a library and use it to further their understanding of the world around them without restriction, or burden of debt. Additionally, the "why" and "how" things work were obtainable just by common sense, and the desire to learn from ones surroundings. Almost all of the skill and knowledge I use in my everyday work and life was learned in this manner. I support a family and desire to teach them the same principles that will make them also self-reliant individuals capable of doing what they want to live happy productive lives.

At an early age I once played a game with friends. It was the old knowledge, power, or money game. Which of these would you wish for? I said knowledge because given sufficient motivation one can gain the other two things if they understand how it is done. The DMCA, specifically portion 1201(a)(1), changes the balance of things considerably in favor of large corporate interests.

What if in the near future most media falls into the protected formats (DVD, Streaming Audio and Video) and a smart but poor student somewhere understands that they need to better themselves through learning, but can't because they cannot gain access to the media that contains the information that enables them to better themselves? What then? At that delicate time, you have a future contributor to society, or an angry frustrated criminal. I know what I would do here because I was that student in the past, and was able to freely better myself using nothing but my ability to learn, and the freedom to explore that knowledge.

Because if it's acceptable that Sony, for example, can legally lock the contents of a DVD video disk through encryption under force of copyright law as a mechanism of copyright protection under 1201(a)(1), then how will consumers enjoy their basic rights for legally copying a "backup archive" of content for which they've purchased a license?

Media is a fragile thing. Making archive copies is important due to the cost of obtaining media. The point above is crucial for any American household with children. How many households have purchased media for their game machine only to have it damaged through some accident, or just through normal use? They must either make now illegal archival copies, or replace the media at full value. The cost for this is too high. The ability to make archival copies mitigates the high initial cost of the media.

Without this protection, I am inclined to not make use of said media.

Copyright should not exist to enforce new restrictions beyond copying a privately owned intellectual work. If the Library of Congress, along with the legislative branch, enact new laws to expand the scope of Copyright law as defined in 1201(a)(1) the consequences for public access to information and discourse may be severe.

I find it interesting that the electronic information age brought down many geographical and cultural barriers. The large corporate interests now seek to use the same tools to build new barriers to the flow of information. America basically started the information age. Do we really want to be known as the land of the free information as long as you can pay for it?

I request also your careful consideration regarding the effects of the DMCA upon future generations and their ability to access "fair use" information. That future is not too distant given the current rate of technology adoption by society today.

Respectfully Submitted,

Doug Dingus.