Comments to Copyright Office

on DMCA Anti-Circumvention Provisions

Mr. David O. Carson
Office of the General Counsel
Copyright Office GC/I&R
P.O. Box 70400
Southwest Station
Washington, D.C. 20024

Sent via email: 1201@loc.gov, 22st Mars 2000
Reply to comment #204 from Electronic Frontier Foundation (Robin Gross)
This reply is in support of EFF's arguments.

Regarding Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies.

Mr. Carson:

I am a computer science student, writing as a representive of the security and development team Eleventh Alliance. Eleventh Aliance has the following agenda:

> Public Agenda for Eleventh Alliance
> > authors: proxy@11a.nu, bluefish@11a.nu
> > accepted at the eleventh alliance convention, july 1999
> Political ideals:
> > The right to a just socity.
> > The right to a democratic socity.
> > The right to free speech.
> > The right to information freedom.
> > The right to privacy.
> Political aims, eleventh alliance will:
> > Be active in discussions regarding IT and other new technology.
> > Actively support people / organizations which are endangered by antiquated, immature, undemocratic or otherwise unjust laws and/or execution of laws.
> > Actively influence authorities and decision-makers regarding laws and/or public policies.
> > Report injustces.
> Security & Development aims, eleventh alliance will:
> > Spread information about security and security weaknesses.
> > Support full disclosure of security products.
> > Support open source development.
> > Develop security related softwares, which proves insecurity or aids in security auditing.
> > Develop open source applications only.

It is in the spirit of our agenda, and in fear that you will persuded by powerfull companies, we contact you. We believe companies which have the mony to hire the best laywers will interprent the DMCA in ways it was not intended by its authors, and that they are actively trying to persude you to do so now.

Sectors which may get hurt by bad execution of the DMCA

Customers
   We're currently witnessing the battle of gigant motion industry and people who which to use their DVDs freely. Motion industries are fighting free DVD players which laywers, claiming CSS provides protection of copyrighted materials, which it in no way does. This may only be the first example of many where

copyright acts are abused in order to control resellers, stop development of free players and other means to buy or watch legally bought materials. We cannot see any other reason for this fight for controll than that they with current distribution chains can use their dominans to raise the price above reasonable levels.

Open Source code development
    We notice that in the case of the DVD standard, a licence is required to use the CSS decoding standard which is needed for DVD playback. It is be all to simple to dictate licences so that Open Source code development would be impossible. The benefits of Open Source code (increased user trust, less costs, and more well understood security modells) should be noted, and it is my hope that the DMCA will be implemented so that most, if not all, Open Source code software is protected.

Security
    It is esential for the trust and security of a system that it is well documented, and can be inspected by all interested researchers. In a perfect world, all software distribution should be in Open Source code form which would make security research easier. But in several cases, companies chose to distribute in binary/executable form. It is esential for knowing that these systems are secure that researchers are allowed to reverse-engineer software and test what happends when software is exposed to data and situations the software was not designed for.

DVD/CSS facts

CSS does not provide copyright protection
    The CSS standard does not in any way change the nature of copying DVDs. Each CSS zone is shared with some hundred million potential users, so within this zone the materials is obviously open for usage by anyone. The standard obviously has no way to controll what a user does with his copy, he could be showing it on a biograph for all I know.

CSS does not prevent illegal copies
    Each DVD is open for making 'raw' copies. A CSS protected disk being copied will therefore only become yet another identical disk, so it is possible to pirate within a CSS zone. The size of the CSS zones is so huge (each zone is approximatly 1/6th of the earth) that it makes no sense to do such zones if the intention was to prevent illegal copies.

CSS does not properly provide zone protection
    We have noticed that commercial players are limited to one CSS zone, but you are allowed to decide which zone. If you are ready to pay, you can buy two players and watch both the US zone and a none-US zone. Even if this wasn't possible, you could ask someone in another zone to sell you player. This shows that CSS only has effect upon the avarage customer who isn't informed.

CSS requires licence for usage
  By issuing licences instead of openly documented standards, the CSS is, probably intentionally, making it hard to make free players and develop open source code applications.

DVD/CSS Summary
    It is our opinion that it has been established that the DVD/CSS standard has been developed to (1) controll development of players and (2) controll distribution chains, with the purpose of (3) raising the costs for customers. Without the CSS, distribution of DVDs should be more free and the competetion would lower prices.

It is our hope that you concider the arguments we have stated, and see the need to excempt DVDs from the DMCA's anticircumvention prohibition. We also think that reasearch of the security of commercial products must be protected, as it is esential for security. Additionally, we see that licences can easily be used to make development of open source code impossible, we hope you will do your best to protect development from such malicios licences.

Yours,

Peter Magnusson
Porsogarden 36:258, 97754 Lulea, Sweden
Phone: +46-920-19097 (within Sweden, 0920-19097)
Email: bluefish@11a.nu
Web: http://bluefish.11a.nu/

Writing as a representive for

Eleventh Alliance,
Web: http://www.11a.nu/