

Copyright Office,

The most important thing at issue here is that "Fair use allows copyright protection to exist without contradicting the First Amendment to the U.S. Constitution." We do indeed need to protect the authors of intellectual, and artistic work, however this cannot be at the expense of our NUMBER 1 amendment to the constitution. We do not need to protect people who want to control the media for profit. Artists should be protected from people "ripping them off" and claiming the artist's work to be their own. Media companies should not have the right to tell the public when and where art can be viewed, and for how much money. Not only can I (as Bernard R. Sorkin of Time Warner says) quote a book I own, but I can photocopy the whole thing and keep the original in a fireproof box, so that I know it is always there, and therefore conserve my resources, so that I don't have to buy the book later (as well as the possibility that it would go out of print), and FURTHER I am allowed to cut the book up and make a collage out of the pages and words, and call THAT NEW WORK my own, and sell it. I am NOT TOLD by book publishers that if I bring my book to another country, I am going to have to buy their brand reading glasses FOR THAT NEW COUNTRY (or for this one for that matter).

Bernard R. Sorkin says (in his Feb 7, 2000 - "Re: Section 1201(a)(1) of The Digital Millennium Copyright Act (Docket#7M99-7)") that users are not adversely affected by the media control measures, if they are not using them in an "unauthorized" way. He further makes a note that Time Warner would not want to make it difficult for a user to use the distributed media in an authorized way, because it is in the business of distribution. All the user has to do is "buy, or rent a copy, subscribe to a transmission thereof or borrow a copy from the library". This is unfortunate that the first three options are for well off people, not the majority out there for which media viewing is a luxury (as opposed to Bernard Sorkin's position in society, where he takes for granted the means to get information). As the EFF noted in their February 17, 2000, RE: Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies by Robin D. Gross, Esq. ([http://www.eff.org/ip/DMCA/20000217\\_eff\\_dmca\\_comments.html](http://www.eff.org/ip/DMCA/20000217_eff_dmca_comments.html)), there are restrictions that will involve forcing users to spend more in order to access the media, when they already have paid to OWN it (or the library may have paid to own it - but nevertheless it is paid for already).

The media controls do indeed:

- fail to "terminate the author's right to control what happens to a particular work after its first sale"
- remove the "lawful rights to create nonprofit archives and manipulate DVD media for educational purposes"
- "ignore the Constitution's requirement that copyright be granted for only a limited time"
- "attempt to make digital copying of all audio and visual works illegal"
- "rely upon a broad interpretation of the DMCA that would have the effect of preventing competitors from making open-source devices that can compete with and interoperate with closed proprietary ones. Any such systems that are designed to prevent consumers from making fair use of their property should be ruled exempt under the DMCA's ant circumvention ban."
- "significantly reduces the availability of movies for nonprofit, archival, preservation, and educational purposes. Because the CSS system is dependent upon a proprietary closed technology for protecting copyrights, the risk of media obsolesce increases substantially"

I am a consumer, and working in IT the phrase "backup! backup! backup!" is crucial to remember. These are complex media, and require backup to make sure that A BUG doesn't cost the consumer, and ALL DIGITAL endeavors inherently have BUGS. I "will want the ability to "port" [my] DVD movies to the new media rather than have to repurchase them again in the new format," when that happens - just as today I record my LPs to my computer, and burn CDs of them. I then usually play the LP, but I know that if I scratch them - I HAVE A BACKUP! - and if one day they no longer make record players - I'm STILL SAFE. But the media controls, which are under attack "prevent people from making a back-up copy of their lawfully purchased DVD, they are denied their legitimate rights under fair use to protect themselves against eventual media failure."

I don't want to have to choose from a narrow market of DVD players (or in the future that this would set a precedent for protection of proprietary media players against open ones), nor do I want Time Warner, or any other company, in my living room telling me how to use my media with their media controls.

Thanks for listening to an artist, a philosopher, and a consumer,  
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