

To Whomever it May Concern :

Many people in the computer industry are highly opposed to the Digital Millenium Copyright Act. Unfortunately, their fears and concerns are well founded. Its loose interpretations can be used to prosecute many innocent bystanders as well as tip the balance of power into the hands of copyright holders seeking greater profit. The poor wording of the DMCA is particularly evident when applied to the DVD market.

The CSS protection scheme, protected by the DMCA, does not specifically prevent the illegal and unauthorized copying of copyrighted works. Rather it was designed to control the viewing of the copyrighted material. By doing so, the CSS protection scheme greatly cripples people's fair use of DVD media.

The amount of control granted to the copyright holders surmounts to what could be considered unfair business practice. Rather than selling products with features that consumers want, copyright holders only allow manufacturers to license the decryption scheme if certain features are disabled. Any software that can view the material must also be "authorized." This can lead to an unfair business advantage by allowing copyright holders to pick and choose which companies can make products for the DVD market. The current added cost of purchasing the "license" is passed down to consumers. In the current market, the control granted over hardware and software manufactureres has lead to a large restriction of software and hardware available to the consumer. The CSS algorithm also illegally extends the copyright over particular material. Once a copyright runs out, there is still no way to copy the data; the control will still be under the former copyright holder. This unfortunate circumstance deserves utmost attention.

Another area that concerns me is the region encoding. I should not be restricted to a particular region when I purchase DVDs. By the current standard, the only way for me to view my legally obtained material from a different region is to purchase another DVD player. An appropriate, albeit exaggerated, analogy is to buy another CD player to play CD's from a different company.

Lastly, DVD is digital media. As the law currently stands, it is my right to be able to back up said media for personal and archival purposes. Not only does the DMCA supported CSS encryption scheme not allow me my lawful rights, it prevents any such archival. When the DVD standard eventually becomes obsolete, there will be no way for the consumer to convert his DVD collection into the then current media. This unfortunate circumstance can result in much data being lost due to an inability to access it.

All these issues are currently unsolvable due to the umbrella-like protection of the DMCA. Only by considering DVDs to be exempt from DMCA will these issues be resolved. I can sympathize with the concerns of piracy by the motion picture industry. It was they, however, that pushed for the DMCA more than any other lobbying group. Surely, they can produce another law or protection scheme to protect their works.

Sincerely,
Ajesh Bhargava

