Dear Sir,

This is a reply to the comment posted on Feb 7th 2000 by Bernard Sorkin on behaf of Time Warner Inc with regards to section 1201 of the DMCA.

I am a private citizen and am motivated by the firm belief that this act strongly curtails my rights to use material that I have purchased in good faith from the content provider or distributer. Furthermore, I strongly support the points raised in comments by the Electronic Frontier Foundation, the Computer Professionals for Social Responsibility, the American Library Association. Specifically I am concerned that the public interests of education and consumer protection will be undermined by the broad ability of a corporation to narrowly define the ways in which content can be used.

It is my sincere belief that the effect, intentional or not, of the DMCA is to provide a unprecidented binding between works and their means of presentation. Sorkin, in his brief, attempts to establish a link between the kinds of restrictions enacted in the DMCA and the protection of copyrights for the producers of content. However, the fundamental fact is that piracy is the reproduction and distribution of copyrighted material in unlicensed ways. The reproduction of digital data is easy, and nothing about this act changes that. For example, the content on a DVD is stored, fundamentally, as a series of ones and zeros. To pirate the DVD, an individual simply needs to create a new DVD with that same series of ones and zeros. The new DVD will be indistinguishable from the original and could be, for example, sold and played in any of the licensed players. The DMCA does nothing about this, and needs not since this action is already illegal. Content producers can already be confident that users making and selling copies of their work can be prosecuted under US and international law.

It seems to me that what the DMCA does is force the general public to abide by arbitrarily narrow restrictions on what uses copywritten material can be put to. This is because the act legally enforces a link between the content and the player. In effect this is like giving the distributor the right to make a video that can only be played on one brand of VCR. While this has been possible in the past, it has always been possible for other companies to figure out how to play the video and produce their own brand of players. Furthermore, what I find most offensive about this legislation is that criminalizes strictly personal behavior, in that not only does it prevent other companies from developing and introducing competing 'player' software and hardware, but it also prevents users from developing for their own personal use alternative means of viewing the content of media that they have purchased. One could not, even in an isolated incident for a blind friend or loved one, convert Steven King's new book into plain ASCII text for the purpose of using any of the commerical 'reader' products without violating the law.

Thank you for considering my opinion on the matter. I hope that you will do as much as is in your power to establish broad 'fair use' exemptions to this statute and furthermore I urge you to make a strong statement of principle about the rights of individuals to use material for which they have paid. It is unfortunate that we need to decriminialize innovation, both personal and public, in the use of digital information. Laws prior to the DMCA were and are more than sufficient to ensure the legal protection for copywritten matterial.

Sincerely,

Chris Gottbrath