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To: Copyright Office
United States Library of Congress

In-reply-to: Time-Warner's comment on section 1201
(<http://lcweb.loc.gov/copyright/1201/comments/043.pdf>)

Time Warner's comment states:
'Will such protections and prohibitions adversely affect users as described above? Certainly, at present and for the foreseeable future, the answer is "no".'

This is certainly not a true answer to the question posed. They would adversely affect me. I will give you a specific example. I recently purchased a DVD of a movie named "The Matrix". I am not able to use this product on my Linux computer, because of the copy protection scheme used. There is no suitable alternative format for this product that contains the special features I purchased the DVD for. I have not searched for any software that I have doubts about the legality of.

Time Warner treats me as if my normal use of a purchased product is or should be a crime. When DVD-Audio becomes available, I expect some method to be used to prevent me from making digital copies of the music. This act may keep me from buying product in this media format. This is an adverse affect for me and the artist. I do not condone or practice theft, but I expect to use products I buy for my own use. Without reasonable fair use, I will find this act to be a personal burden. I have read Time Warners complete comments. They do not seem to be able to distinguish between a person making fair use of a product and theft. If I purchase a product and use it for only my own entertainment, no reasonable standard could say I am depriving the artist or company of any revenue. If the artist's work is being stolen, then I agree that action would be appropriate. Punish the guilt, not the innocent user.

I will respond to Time Warners responses to specific questions:

2. Time Warner's response is nonsense. The copy protection mentioned would not stop a manufacturer from making perfect digital copies of the disks. The scheme does inconvenience consumers. A manufacture would merely make a digital copy of the entire disk.
3. This is a false statement. It has affected my ability to access protected products as a lawful user.
4. As detailed above, DVDs with the extra material are clearly unavailable to lawful users, if there method of access is a DVD computer drive and they don't use the right operating system. Even if Time Warner were

able to show some availability I have not find, I do not believe they could demonstrate it to be truly useful.

5. Again, if you are unaware of such works, I point you to the additional material on DVD videos. An additional example would be the release of works readable by special readers like Glassbook. I want to read such works on my computer, but I am unable.
6. These other formats are not viable substitutes to me. They would not provide me with the functions I buy the DVDs for.
7. As far as I can tell, there have been many DVDs produced which have material not readily available elsewhere.
9. The use of such technological measures may not have had this affect yet. But it is virtually guaranteed in the future if technological measures cannot be defeated by legitimate user. Let us say Company A produces data in a proprietary format and later goes out of business. There will be a small number of users who found the data useful, but may not be able to get access to it.
11. I would suggest that at the very least, if a user could show that they have a legitimate copy of a product and a legitimate use of a method to avoid copy protection, that user should be considered to be making fair use of the product. Go after the crime, not some hypothetical ability to make unfair use of a product.
12. The use of such technological control measures has affected my ability to comment. For example, Time Warner posted their comments using the annoying PDF files. That meant I could not cut and past to create my reply comments.
13. See my response on question 12. This reply is an example of the impact such closed systems cause. There are ways I could get into the PDF files, but they are unavailable to me at the moment.
16. There is a clear basis for such a view. I cannot view a DVD movie and access special features on commonly available operating systems, such as BeOS or Linux, If fair use is clarified properly, I can write or find the device drivers I need.
17. I am certainly prepared to come forward as requested. Where do you want these comments?
18. No closed encryption system will probably ever stand up to a good test.
19. This assertion has no basis in fact. I believe the complications caused by the technological measures increase costs and reduce the market. That means consumer costs go up at least two ways.
20. I don't see any reason to believe this is true. VHS tapes are widely available, even though they are easy to copy. As a consumer, I look to buy well produced, quality products. I choose real, licensed products for their quality.
25. I believe market history does not back up your belief. In fact, I believe an open system will lead to even high profits to the

industry in the future.

Thank you for taking the time to read my comments.
Ralph Green, Jr.