38 California Blvd.
Toledo, OH 43612
June 17, 2000

RE: DMCA Rules Comment

Dear Sirs;

There appear to be two contradictory clauses in the DMCA. One states that reverse engineering for the purpose of interoprability is allowed. The other states that attempts to defeat or bypass anti-copy mechanisms are illegal.

By themselves each is fine. However, in the case of DVD's, the anti-copy mechanism, namely CSS, is the only barrier to interoperability. The data on the disk must be decoded to view the contents.

In the MPAA vs. DeCSS case, I believe a travesty was committed, in that no evidence of illegal copying was ever presented. Oddly enough, the data does not need to be decoded to copy a DVD. A wrote copy of a disk can be made without ever decrypting it, and this is by far the most significant threat to the IP of the copyright holders, so CSS isn't even a particularly effective anti-copy mechanism.

Yet in the above case, the anti-copy clause was given precidence over the interoperability clause, and the defendant was found guilty.

Whatever rules are enacted, this kind of contention in the rules need to be resolved with an "intent of wrong-doing" rule to prevent this sort of injustice again.

Robert Wenzlaff