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June 20, 2003

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Via E-Mail

David O. Carson
General Counsel
Copyright Office
Library of Congress
101 Independence Ave., S.E.
Washington, D.C. 20559-60000

Re: Docket No. RM 2002-4
Exemption to Prohibition on Circumvention of Copyright Protection
Systems for Access Control Technologies

Dear Mr. Carson:

This letter responds to the follow-up questions you sent me on June 5, 2003. With respect to the four questions concerning eBooks, we understand that you asked the same questions of the American Foundation for the Blind. Given the AFB's expertise in this area, we defer to their responses. However, we wish to stress that an audiobook is as much a substitute for an eBook as a bicycle is a substitute for a motorcycle. An eBook provides visually impaired readers far more functionality, such as word searches and other navigation tools.

With respect to the question concerning filtering software, at this time, we are seeking an exemption for the circumvention of access controls on the lists of websites blocked by software that prevents Internet users from accessing websites containing material deemed inappropriate by the software vendor or some other controlling authority, *e.g.* material that is indecent or harmful to minors. In other words, we seek an exemption with respect to the databases used by "censorware." We are not seeking an exemption with respect to the databases used by spam filters or virus filters.

We hasten to add that "censorware" could be bundled with other software products, including spam filters and virus filters, and that when one circumvents the access control on the "censorware" part of the product, one might of necessity also circumvent the access control on other, unrelated parts of the product. To prevent censorware

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vendors from undercutting the exemption by bundling other software products with the censorware, the exemption must apply to works bundled with the censorware.

Thank you for the opportunity to testify. Please let me know if you have any additional questions.

Sincerely,

Jonathan Band