

Mr. David O. Carson
Office of the General Counsel
Copyright Office GC/I&R
P.O. Box 70400
Southwest Station
Washington, D.C. 20024

Mr. Carson,

As a member of the teaching community and a long supporter and developer of free software, I have strong doubts and concerns about the use of the DMCA in a restrictive and destructive way by the big media conglomerates, especially by their restrictions on the fair use of the copyrighted works.

My point can be summarized as follows:

1. An owner of a copy of a copyrighted work, is an owner of a copy of the *content* of the work, rather than the data through which the work is presented. For instance, when I buy a book, I buy a copy of what is said in the book rather than the paper and the ink.
2. An owner of a copy of a copyrighted work is free to choose the data format he/she would like to save and/or view the work. He/She is not legally bound to use any proprietary hardware/software viewer platforms that are provided and/or recommended by the *content provider* from which he/she purchased the work.
3. Any measure set forth by the content provider to prevent an owner of a copyrighted work to make legal copies of the data, to investigate and port the data into another format from the format it was originally presented, reverse-engineer the technology in which content is encoded into that particular data format for inter-operability purposes is in direct violation of legal rights of the owner.

An owner of a copy of a copyrighted work, regulated by the US copyright laws, has the right to make copies of this work for his/her personal use, say from a CD to a cassette, in order to be able to view the content of the work on different hardware platforms he/she might have preferred. Such copying can be viewed as *porting* a data format to another (in the example I have given, it was from a digital media into an analog media) just as to be able to use his/her lawfully purchased copyrighted work on another platform, say in this case his/her car stereo, without making an expansive and unnecessary investment to get a CD player for his/her car. In this context, any scrambling of the data through which the content is presented or any other measures set forth in order to make this kind of a cross-platform porting, is in violation of the lawful right of the owner of the copyrighted work, for a copyrighted work can not be tied to a particular viewer hardware/software platform nor to any data format.

An owner of a copyrighted work, owns a copy of the **content** of the work, not specifically the data

through which content is presented. (If I would like to give a blunt example, when I buy a book, I don't buy it for the paper or the ink. I buy it because of the content.) Therefore owner has the right to port the data through which the content of a copyrighted work he/she legally owns is presented, into any data format he/she wishes, in order to be able to use the content in his/her own hardware/software viewer platform. Just as I have the right of reading (which is porting data from written media into audiovisual media) '*Little Red Riding Hood*' from a copyrighted book to my children, I also have the right to make a copy of a DVD movie I legally purchased onto, say my hard-drive in order to be able to view it in my non-proprietary operating system for which there is no proprietary DVD player software or, on which I have the necessary tools, technology and knowledge to write my own viewer. Therefore, I believe, any measures set forth to prevent an owner *porting* the data through which a lawfully purchased copy of *the content* of a copyrighted work presented, is in direct violation of his/her rights stated in the First Amendment.

Respectfully,
Atabey Kaygun

Teaching Associate
Ohio State University
231 West 18th Avenue
Columbus, 43210 OH

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¹**Disclaimer:** The views presented represents only my point of view. The Ohio State University may or may not share the same point of view on this issue. In short, I do not represent The Ohio State University.