Kel Hausken
Webmaster
Idaho State Controller's Office
5113 Clinton St
Boise, ID 83706
phone:375-7892

I have noticed three major incidents of reverse engineering a product for the benefit of the community which has resulted in legal action by the 'copyright' holders wherein the DMCA is apparently central to the legality of the reverse engineering:

1. A 15 year old Norwegian child broke the simple encryption of DVDs (simple as prescribed by arms trafficing laws, and therefore that law implies that it is not legal to make encryption for that purpose which cannot be easily broken). The specific impact of this, at this point, is that projects like LiViD (an open-source project to bring the ability to play DVD's on DVD-Roms on Linux, BSD, Be, and Windows) may not be legal. The major DVD manufacturers are using the DMCA to distribute copywritten material which has the following design features: region coding (DVD prices for the same work vary from place to place, and I cannot buy the cheap Canadian version because it won't work for me; I cannot move to a new region and view my already purchased works); designed obsolecense (I can not transfer the current works that I have purchased to a new media when the future arrives). I don't believe that copywrite laws were designed nor desired by authors to do this. This is akin to out of print books, except that when the last known copy of the book is lost to the erosion of time*, the work will be permanently lost**. I don't believe that an author wants their work of art to permanently disappear.
*(ex. Mark Twain's "Letters from Earth" vs a Disney DVD of Snow White)
**(DVDs have a lifespawn of 7-50 years even if stored unused)

2. Projects for Linux, like Wine, the open-source Windows Emulation program may no longer be legal.

3. Recently the Peacefire organization (www.peacefire.org), an anti-censorware website has been threatened with legal action by Symantec Co. for reverse engineering their encrypted list of 'blocked' websites. Other's have reverse engineered other block lists from other companies. This appears to be quite strictly against the wording of the DMCA as I read it. If what they have done is illegal, then this is possitive proof of how anti-consumer the DMCA is. The block lists show huge error rates (beyond 50% in a sample of the first 50 sites in the list), block sites which are politically at odds with the censorware companies (at least three block www.peacefire.org), and even block their own company for having a website which includes references to 'pornography' (as in blocking pornography). Without the reverse engineering of these lists, consumers would just have to accept as fact the claims of these 'snake-oil' companies. Irregardless, of someones stance on censoring net content, the DMCA allows such software companies to create a false sense of security. For example, a parent may not want their child to use the internet unsupervised knowing that there are no content filters, but it is worse, in my opinion, for a parent to expect that with software filter's they can let their child browse the internet unsupervised, when those filters are not working.

Thank you,
Kel Hausken