

Digital Millennium Copyright Act (DMCA)

To Whom It May Concern:

Based upon my interpretation of the DMCA, the act exists essentially as a ban on decryption. The law allows for some exceptions, mandating that decryption should be legal if it is done for security reasons, specific types of software engineering, to secure interoperability between systems, etc. It is in regard to the promotion of interoperability between systems that I write this letter.

I am a college student at Vanderbilt University, and am enrolled in an Information Systems minor. During the course of fulfilling the requirements for this minor I have gained an understanding of programming languages and their myriad uses. The recent court injunction banning the availability of the DeCSS program on multiple Internet sites has caused me concern. This program, in essence, decodes the information stored on DVDs and allows them to be saved and subsequently viewed on the hard drive of a computer.

Currently only proprietary programs have the decryption code necessary to view DVDs. This is a grossly unjust monopoly, and one that effectively makes illegal the viewing of DVDs on a computer by all who have not purchased the proprietary interface. This makes it impossible to view DVDs on any computer that uses Linux as its operating system (as that OS largely does not support proprietary programs).

As is evidenced by the recent injunctions, the DMCA has proven unable to protect the right to author programs that allow interoperability between systems. This has led me to believe that the DMCA is written in such a way as to allow powerful industries (i.e. the motion picture industry) to circumvent the interoperability clause wherever it would cut into profits.

While it is true that the DeCSS program would enable unscrupulous persons to make illicit copies of DVDs, this certainly is not grounds to prohibit its use. VCRs can be used to make illegal copies of videotapes. Common tape recorders can be used to make illegal copies of cassettes and compact discs. Yet one would be hard pressed to argue that all VCRs and cassette tape recorders should be banned. A program that

enables users of less prolific operating systems to view popular media (DVDs) should not be deemed illegal simply because it creates the possibility of copyright violations.

The role of government, and specifically the Patent Office in this case, should be one where the interests of both consumer and supplier are protected. This is not an easy balance to achieve, and I do not envy the job of the Patent Office (especially with the dawn of the Information Age). But this does not belie the fact that sublime industries should not be allowed to abuse the rights of the consumer because they have the wealth and precedent to do so.

In parting, I thank you for the opportunity to present my opinions on the matter; but I also charge you to place the interests of both parties concerned (author and user, industry and the public) on the scales and ensure their equality.

Sincerely,

Michael Moreland