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To: Copyright Office
United States Library of Congress

In-reply-to: Time-Warner's comment on section 1201
(http://lcweb.loc.gov/copyright/1201/comments/043.pdf)

Time Warner's comment states:
'Will such protections and prohibitions adversely affect users as
described above? Certainly, at present and for the foreseeable
future, the answer is "no".'

This is certainly not a true answer to the question posed. They would
adversely affect me. I will give you a specific example. I recently
purchased a DVD of a movie named "The Matrix". I am not able to use
this product on my Linux computer, because of the copy protection
scheme used. There is no suitable alternative format for this
product that contains the special features I purchased the DVD for.
I have not searched for any software that I have doubts about the
legality of.

Time Warner treats me as if my normal use of a purchased product is or
should be a crime. When DVD-Audio becomes available, I expect some
method to be used to prevent me from making digital copies of the music.
This act may keep me from buying product in this media format. This is
an adverse affect for me and the artist. I do not condone or practice
theft, but I expect to use products I buy for my own use. Without
reasonable fair use, I will find this act to be a personal burden. I
have read Time Warners complete comments. They do not seem to be able
to distinguish between a person making fair use of a product and theft.
If I purchase a product and use it for only my own entertainment, no
reasonable standard could say I am depriving the artist or company of
any revenue. If the artist's work is being stolen, then I agree that
action would be appropriate. Punish the guilt, not the innocent user.

I will respond to Time Warners responses to specific questions:

2. Time Warner's response is nonsense. The copy protection mentioned
would not stop a manufacturer from making perfect digital copies of
the disks. The scheme does inconvenience consumers. A manufacture
would merely make a digital copy of the entire disk.

3. This is a false statement. It has affected my ability to access
protected products as a lawful user.

4. As detailed above, DVDs with the extra material are clearly unavailable
to lawful users, if there method of access is a DVD computer drive and
they don't use the right operating system. Even if Time Warner were
able to show some availability I have not find, I do not believe they
could demonstrate it to be truly useful.

5. Again, if you are unaware of such works, I point you to the additional
material on DVD videos. An additional example would be the release of
works readable by special readers like Glassbook. I want to read such
works on my computer, but I am unable.

6. These other formats are not viable substitutes to me. They would not
provide me with the functions I buy the DVDs for.

7. As far as I can tell, there have been many DVDs produced which have
material not readily available elsewhere.

9. The use of such technological measures may not have had this effect yet.
But it is virtually guaranteed in the future if technological measures
cannot be defeated by legitimate users. Let us say Company A produces
data in a proprietary format and later goes out of business. There
will be a small number of users who found the data useful, but may not
be able to get access to it.

11. I would suggest that at the very least, if a user could show that
they have a legitimate copy of a product and a legitimate use
of a method to avoid copy protection, that user should be considered
to be making fair use of the product. Go after the crime, not some
hypothetical ability to make unfair use of a product.

12. The use of such technological control measures has affected my ability to
comment. For example, Time Warner posted their comments using the
annoying PDF files. That meant I could not cut and paste to create my
reply comments.

13. See my response on question 12. This reply is an example of the impact
such closed systems cause. There are ways I could get into the PDF
files, but they are unavailable to me at the moment.

16. There is a clear basis for such a view. I cannot view a DVD movie
and access special features on commonly available operating systems,
such as BeOS or Linux. If fair use is clarified properly, I can
write or find the device drivers I need.

17. I am certainly prepared to come forward as requested. Where do you
want these comments?

18. No closed encryption system will probably ever stand up to a good test.

19. This assertion has no basis in fact. I believe the complications
caused by the technological measures increase costs and reduce the
market. That means consumer costs go up at least two ways.

20. I don't see any reason to believe this is true. VHS tapes are widely
available, even though they are easy to copy. As a consumer, I look
to buy well produced, quality products. I choose real, licensed
products for their quality.

25. I believe market history does not back up your belief. In fact, I
believe an open system will lead to even high profits to the
industry in the future.

Thank you for taking the time to read my comments.
Ralph Green, Jr.