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Class of media: All digitally recorded media.

Summary: The anti-circumvention measures of the DMCA are unnecessary to protect rights holders, and have potential for economic damage as well as a real danger of harming innocent consumers.

Argument: Digital media, especially software, have for a long time (20 years or longer) been subject to anti-reproduction technologies, which have had varied levels of success. These technologies have, however, without fail been open to circumvention, which has led rights holders to seek this legislation, which provides for the effective criminalization of circumventers. This might seem reasonable but for two things: first, the previous cycle of protection followed by eventual circumvention was, in fact, beneficial for both the rights holders and the consumer. Protective measures did provide an effective deterrent for many consumers, and still allowed savvy consumers to leverage their technical knowledge for adding value for technology purchases like computing equipment and internet connections. The second, and to my mind more important, issue with the DMCA is the severity of punishment, as demonstrated by the Skylarov case. Skylarov's detention and prosecution was the sort of treatment usually reserved for more conventional crimes, with a single and easily identifiable victim. But his crime provided a viable software product to consumers and actually added value to the technology he was supposedly circumventing. The victim, on the other hand is quite intangible. Is it Adobe, having had its badly flawed copy-protection scheme circumvented? Or is it a hypothetical body of rights-holders, who are somehow damaged by Skylarov's technique for easily copying content which in any case, is as easy to copy as a paper book.

I very much doubt that my arguments adhere to your legal requirements as stringently as you require, but I unfortunately don't have any more time to commit to this. I hope that my message comes across clearly anyway. The anti-circumvention measures of the DMCA have a tremendous potential for economic harm to the consumer, and an even greater potential for harming normal people for actions which are harmful to no one. The DMCA could have as powerful a negative legacy as the idea of debtor's prison if it is not stopped. It is bad legislation, and I hope that you use all the power that you have to repair the damage that has already been done. Thank you.