



Wednesday March 5th 2003

Copyright Office, LM-403,
James Madison Memorial Building,
101 Independence Avenue, SE.
Washington, DC

OBJECT: Requested DCMA exemption for print cartridges

Dear sir, madam,

SUMMARY OF COMMENT:

I would like to express that the DCMA should not be applicable to software code that only serve as a key and lock device to keep competition out.

ARGUMENTS:

- What Lexmark is trying to protect using DCMA is by no way an intellectual finished product that would have a value on the market by itself.
- Lexmark believes they can close and lock the market door and wants to use the DCMA act to effectively make sure that no one other than itself can open this door.
- The practical implications of an eventual ruling in favor of Lexmark would have repercussions not only in the United States but on the rest of the world as well since it would deprive company like ours of essential components designed and produced in the USA that are needed for recycling of cartridges.
- We believe that, if Lexmark wins, other manufacturers will use the same tactics on all new cartridges to ultimately put us out of business.
- We are already loosing sales of Lexmark cartridges "protected" by chips due to our inability to replace the original chip. Some company even have to supply OEM cartridges in replacements of remanufactured their cost for these new cartridges being over the quoted price for remanufactured product. We are therefore taking considerable harm presently.
- There are many thousands of jobs at stake in our industry and in any other industries where a market for third party replacement parts exist.
- DCMA was not intended to give manufacturers a right to create monopolies.

Best Regards

Gilles Brassard

General Manager