

Comments submitted in support for classes 1,2 and 3 as proposed by Static Control Components, Inc. by Michael J. Zweng. Each and every comment that mentions “the exemption” is meant to be interpreted as referencing classes 1, 2 and 3

I am in the business of remanufacturing toner cartridges. I am in support of the petition for exemption made by Static Control Components, Inc. (“SCC”).

I support this petition because I believe the outcome of not allowing this exemption would be damaging to competition among legitimate businesses.

As I understand the Digital Millennium Copyright Act (the “Act”), it is meant to make illegal circumvention of technology used to protect copyrighted works. At its foundation was a need to protect the works of, among others, artists and writers from having their works stolen in their entirety. There is no legitimate competition between an actor and an Internet “pirate” decoding and publishing a work to the public domain or for a fee. Also, the technological means used to protect such works are put in place to protect from theft entire works that have independent economic value and a known purpose at the time of their legitimate purchase.

The exemption, however, was applied for to protect the rights of legitimate business competition. The protective technology in question is not a work that has independent market value. It is, instead a measure meant to ensure that for two products with independent market value by themselves to work together, they must come from the same vendor. In other words, the computer programs that SCC is seeking exemption for serve only to bar anyone other than the creator of those programs from making a product capable of being used within another product. As such, the protection of such work would serve to stifle legitimate competition among businesses. In so doing, it would make protected a practice of a business “locking-out” competitors from making products that could be used with another product from the original manufacturer by using a piece of technology, however small, to establish “compatibility.”

Another key distinction is what is being protected. In this exemption, the technology in question is not protecting a copyrighted work (as is the case with the encryption of software, books or music). The technology is protecting a non-copyrightable consumable good.

I whole-heartedly request that SCC’s request for exemption be granted. Were the type of protection in question not exempted, great harm would befall consumers. Wherever there is but one alternative, prices are higher. Where there is no competition, consumers are at the mercy of the one vendor they have.

Respectfully Submitted for Consideration,

Michael J. Zweng