



March 8, 2003

Static Control Components' (SCC) comments on the incorrect use of the DMCA to lock-out competition are correct. If the Lexmark DMCA claim is allowed it will affect a large segment of the population as it would become a loophole for anti trust. The DMCA was never intended to prevent interoperability between toner printer cartridges and printers. The DMCA must be clarified by granting the three exemptions proposed by Static Control.

In the US alone there are over 50,000 companies engaged in remanufacturing. The largest sector is the automotive remanufacturing industry. This is followed by the printer cartridge remanufacturing industry and the furniture remanufacturing industry. There are many other segments that remanufacture electronic equipment such as telephones, computers, and the like.

Failing to grant the exemptions to the DMCA as described by SCC would directly affect over 500,000 people employed in remanufacturing. The total number of people affected including their customers would easily bring the number of people to many millions when consumers are included.

The cost of not allowing these exemptions could run in the billions per year as all manufacturers could monopolize their consumables and repair parts businesses. The very concept of a free American market and the rights granted to a purchaser would be destroyed. The right of ownership and the right to repair and rebuild products hang in the balance of whether or not these exemptions are granted.

Simple code in a computer chip that prevents competition should not be sanctioned as acceptable anti trust behavior and it is by no means intellectual property that merits protection under copyright law.

The Lexmark use of the DMCA is inappropriate and little more than interpretative manipulation having no relationship to the intent of the DCMA.

The Remanufacturing Industries Council strongly urges that the exemptions requested by SCC be granted based on fairness, the intent of the act, free markets, and the recognized concept of interoperability.

Sincerely,

Lester Cornelius  
President, Remanufacturing Industries Council