

Any copy protection imposed by owner will at some point be nullified by some individual who does like the constraint put upon him or her by the copy protection.

Like Prohibition the only persons harmed will be the average citizen who tries to follow the law. Those that don't will find a way to circumvent the protections and do what they want.

The current provisions as shown the Sony rootkit case are woefully in the protection of the citizen from harm and possible damage by copy protection.

The entertainment industry has not been harmed by having open standards and allowing for fair use. The movie on VHS and DVD have made millions for Hollywood. Yet they cry loss. The real loss is for the consumer who must spend money over and over again for the same piece of art because the current protection scheme does not work on this device so you must buy another copy for this device, yet another copy for that device and so on. And you not guaranteed to even have the same level of quality for any of those copies.

Allow for fair use, allow for open copying and transference of a piece from device to device I legally own. I own a book and can read it anywhere, anytime, and in any manner. The same can not be said for the ebook version. If I want to read it on my PDA I must buy a copy that works the protection system for the PDA, if I want to read it on my laptop, I must buy a version that is compatible with the protection software on my laptop. If I want to read it on my ebook reader I may not be able to since the copy protection scheme on it is incompatible with the ebook. Yet there are no restrictions on the paper based book. I buy it once and enjoy it in numerous settings.

Music is harmed in the same manner. Protections placed on music CDs only stop the consumer who does not want to be branded as a criminal for making a copy to protect his/her investment. I can not make a copy of the music I legally bought on my laptop for listening while travelling, nor can I make a copy to transfer to my mp3 player to listen while out for walk. To do this I'm forced to buy it again from the manufacturer for each device in question. And I'm not given any guarantee that the quality will be the same as the CD.

I'm also harmed and my First Amendment right to free speech is infringed by the prohibition contained in the act that stops me from discussing in an open forum the copy protection, the technology used, the potential problems, how to mitigate those problems, or even how to remove the protection if I decide I no longer wish to use that particular piece of art. All control is given to the manufacturer with no recourse to force correction, repair, or return of my system to a clean state of affairs. The protection provided with the piece of art could have irreparable consequences to my device and I could not figure how it happened and if found how to repair my device to return it a working state. Who pays for the harm? Sony does not believe they should even after it was found they leave any computer they installed their protection software vulnerable to any hacker who understands or can access a script that would use the rootkit Sony used.

I should not be branded a criminal for trying to remove invasive software that has harmed my computer. If I'm allowed to do it with virus why can't I do it with copy protection schemes that don't protect me.

These provisions must be relegated to dust bin and allow technology to move forward and allow the consumer to enjoy the fruits of the technology as he or she sees fit.