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To: David O. Carson, General Counsel
Copyright GC/I&R
PO Box 70400
Washington, DC 20024-0400.

LIBRARY OF CONGRESS
Copyright Office
37 CFR Part 201
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Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies

Comment Submission:

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Proposed class or classes of copyrighted word(s) to be exempted:

1- Encrypted multimedia (dvd movies, CD audio, DVD audio tracks, video, digital books, other mutli-media copyrighted content now protected by the DMCA, if encrypted, passworded or DRM / digital rights management protected) – meaning that one can not play the content, unless on “approved” or compatible player device(s). As it is now, I could be restricted from “fair use” access in future - if the DMCA protected DRM types of technologies access methods to “fair use” content changes, or becomes unavailable, meaning that I can't convert material to formats useable by other digital devices or media software viewers, I would lose my fair use rights totally by manipulation of technology locks by the content copyright holder! The rightful users of “fair useable” copyrighted material should be exempted from prohibition on circumvention of Copyright Protection Systems for Access Control Technologies.

Brief Summary:

I legally use a Linux operating system that I paid for from Novell called Novell SuSE Linux. I own many DVDs that are store bought. I should have the freedom to view the encrypted DVD media on my Linux Computer. Today, I can't! There is no media viewer with approval by Hollywood and DVD makers for Linux Operating System. For example: ex: the DVD version of the movie “O Brother Where Art Thou” I can not view as I don't own a approved DVD player! I could view this movie on a Linux based computer in some countries where the DMCA is not enforced, as there is a program that I could add to my regular (non-encrypted) media viewer that is illegal (by breaking the US laws where DMCA protects the DRM content or encrypted copyrighted material) to use in the US! The program circumvents the DMCA protections for the DRM (encryption) and allows for the viewer to see the movies in all language formats. Due to certain commercial DVD players that only allow access to movies listened to in the regional languages, a person who wishes the right to view the copyrighted material for other than “regional” languages (for educational purposes) is prohibited from access to this material by the Movie industry (meaning they don't have full access to the movie, in all languages, due to DMCA and Digital Rights Management (or protected encryption that, along with an installation EULA (end user license agreement), could lock up the access rights to terms of use that are longer periods of time than the copyright allows (by itself)! I do not use the illegal software to view DVDs with Linux, so I can not view the media (that I

paid for)!

There are software programs that are available for LINUX and Windows in other countries that allow a buyer of DRM or encrypted copyright material, access to the full use of the copyrighted material... including the ability to copy the digital file to other media players.

Viewers, and listeners, of copyrighted movies, music, literature, in a digital format should NOT have their rights restricted where they can not enjoy “fair use” of the copyrighted material.

For example: A Library of Congress CSPAN show called “The Digital Future”, the Copyright Issues session (with Lawrence Lessig) will not play on my LINUX player! I paid \$30.00 for this DVD from CSPAN and should be able to make copies of it for my own use as I wish to view this on different digital devices. I think I own this right. DMCA protection prohibits my legal “fair use” right to this material to and to transfer it into a format that I can digitally enjoy on various devices and software viewers!

In conclusion:

I need full access to the copyrighted material that I have paid for! DMCA protects DRM and restricts my “fair use” to the formats and encryption of the media with the content.

The solution is for there to be a prohibition on the use of encryption for copyrighted materials (digital media, etc, where the DMCA prohibits the legal fair use of the content).

Ideally, if you could use the Creative Commons License with the standardized “digital Meta-Data or machine readable code” – see <http://www.creativecommons.org> for each copyrighted “digital” work, then the DMCA protection of the Meta-Data code would be good! The DMCA could still protect the Creative Commons digital work (no need for DRM). The DMCA would prevent the change or removal of this Creative Commons Meta-data code...! The media content creators could then make use of a Creative Commons License (with Meta-data tags/code) that could then be machine readable, meaning searchable, AND the content creators could then also use the search or filter technology to track or filter the meta-data attached content.. IF, it were to travel on the internet as and exceed “fair use” limits. ISPs could monitor this traffic and report the “commercial only meta-data” traffic that is above “fair use” quota (?) to a central reporting database where the creator could then thru a pseudonym email address (hides ISP provided email address that is real, and forwards the email meant for the pseudonym address to the real address) notify the INTERNET IP address of the potential for “fair use” violation. A series of warnings could proceed the actual reporting of violations directly to the content creator. Users would like this better than having a army of RIAA or Movie Industry lawyers appear at the door when their kids are downloading who knows what? Content Creators could still have financial interests protected! Peer to Peer networks could be set up to filtering and audit guidelines, or fair use quotas, that are enforceable by the Creative Commons Meta-Data transfer AUDIT process (easy to do)! No DRM needed! And no user lockin to technologies that prevent proper and legal fair use to happen with legally acquired content.

DMCA protection of DRM or encrypted content is only going to cause problems by restricting access to fair use of content by legal users (and the ability to move the content to a format that is usable by the users “machine” or software of choice)! DRM as Sony is finding out now can be compromised and create the potential for virus activity that could be harmful to a users computer, software or digital device. A Creative Commons Licensed Meta-data tag would never be harmful to users and it would protect the financial interests of the creator!

Freedom is another word for nothing left to lose! Free our copyrights, to all 100% legal fair use again!