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February 2, 2006

Mr. Robert Kasunic
Office of the General Counsel
Copyright Office
P.O. Box 70400
Southwest Station,
Washington, DC 20024
(202) 707-8380
via email

Re: Rulemaking on Exemptions from Prohibition on Circumvention of Technological Measures that Control Access to Copyrighted Works

Dear Mr. Kasunic,

This is a reply comment in support of, and to further elaborate on, the comments of Mr. Jonathan Band (document 2) and others regarding the class of works; *Computer programs protected by dongles that prevent access due to malfunction or damage and which are obsolete*. I am in agreement with Mr. Band that this exception should be renewed.

Dongles are access control devices that prevent computer software from running if that device is not present.

These devices prevent a person that has not purchased a product, from running the software, thereby controlling access to a copyrighted work.

There are times however, when one has purchased the software and these devices stop working, become damaged or become obsolete, which then prevents the authorized user from having access to their computer program, which is a noninfringing activity. A perfect example of this was given in my 2003 testimony: *"In October of 2001, I received an inquiry from a potential client. This was a large organization with amazing people resources that did an extensive Analysis Report. (highlights of that are attached) Apparently they had heard of my company through my comments and testimony during the previous rulemaking. I learned they had two programs which used a dongle that ran on the same machine at the same time. One set of these access control devices had failed in the past. The manufacturers were no longer in business and there was no way to replace these devices that were starting to act up. I also learned that due to budget constraints and the amount of time it would take to train people on new programs, it was not feasible to find and use an equivalent piece of*

software. Further, incredibly enough, no one in their vast organization had the technical expertise to replace these control mechanisms. That potential client was the United States Department of Justice. The agency involved was the Immigration and Naturalization Service, the INS. This software was used for the travel document production system, which produces Passports and Visa's."

I would welcome the opportunity, for the third time in six years, to testify before you in Washington, DC and provide additional examples of how this exemption has benefited consumers, how this exemption has made copyrighted works available to those that have legal access to those works, and that there has been no negative impacts on the market place.

Sincerely,

Via email

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President
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