

My primary complaint against DRM comes from the anti-circumvention clause of the Digital Millennium Copyright Act (DMCA) that makes it illegal to circumvent DRM.

Prior to the DMCA, compact discs became the audio format of choice. I purchased CDs and was able to copy the music to my computer for backup and the convenience of listening to my entire library without the hassle of physical discs. Later, I was able to copy this music to portable music players.

After the DMCA, DVD became the video format of choice. I knew DVDs included DRM and that I would not be able to make backups or create a video jukebox as I had done with my music. DVDs also include a region locking scheme that makes foreign DVDs largely unplayable on a US DVD player. I knew all this and largely avoided DVDs because I did not find such limited media very useful.

What I did not know but soon learned is that DVDs include an unskippable FBI warning, the same warning that everyone has seen thousands of times. Some DVDs even include unskippable advertising. That a device can dictate to me how I can use that device is incredibly insulting. And it all has legal weight thanks to the anti-circumvention clause.

To add further insult, those who choose to infringe copyright are rewarded with a superior product. The DRM-free download may be used in a computer jukebox, copied to a portable device, backed-up up to insure against damage, and freely fast-forwarded through including previously unskippable warnings and advertising.

To a law abiding citizen, DRM is a terrible inconvenience and annoyance. In exchange for this burden, presumably the recording and film industries will not suffer losses from copyright infringement. However, as everyone knows, copyright infringement is commonplace. Even if DRM has led to some reduction in copying, it has come at an unacceptable cost and burden.

The recording and film industries have condemned infringement with lawsuits, advertising, and lobbying. But always, copyright infringement is equated with lost sales. This simplistic analysis ignores two other groups of infringers who do not count toward lost sales: those who infringe but would otherwise not purchase, and those who infringe only to become more interested in an artist or actor and end up generating increased sales.

I am not going to claim that the last two groups are larger than the first, but that the industries assume all infringements are lost sales, combined with their continued use of ineffective DRM and lobbying for stricter copyright law suggests that they are not concerned with the lost sales but are simply seeking control over how the product is used. This is not something I support. I prefer the freedom to use a product as I see fit, save infringing copyright. I consider all the uses I've mentioned such as backing-up, creating a jukebox, copying to a portable device, to be fair use. All of these fair uses are rendered illegal because of the anti-circumvention clause.

The anti-circumvention clause of the DMCA is unjust and should be repealed immediately. By evidence of widespread copyright infringement, DRM has proven ineffective. The DRM given legal weight by the anti-circumvention clause serves only as a means for the recording and film industries to control distribution and use of the product by law abiding citizens.

Thank you,

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