

My name is Scot Wilcoxon and I support all three exemptions listed in Docket No. RM 2002-4. The exemptions are needed due to misuse of the law.

Computer programs whose only purpose is to restrict the owner's use of a product should not be protected. After a product is purchased the owner should be able to do anything with that item. Patent and non-DMCA laws already protect the creator of the product. Interfering with the use of a product is outside the realm of copyright law.

Class 1: Computer programs embedded in computer printers and toner cartridges and that control the interoperation and functions of the printer and toner cartridge.

Copyright law should not protect the creation, manufacture, or use of keys for printer locks. Copyright protects intellectual works, not devices nor processes.

Copyright is intended to protect an intellectual work, not a physical device. A computer program, or part of a program, which interferes with the use of a device is a mere lock and not an intellectual work. Whether a device should function only with a specific lock may be a patent issue, but should not have copyright protection.

The author of a work has protection of that particular expression and has control over the manufacture of copies of that work, but not the use after sale (rental, lease, or lending is a different situation).

The purchaser of an object can do what they want to it, within the limits of the many laws which cover non-intellectual material. But the manufacturer of a device, such as an automobile, should not be able to restrict use or alteration of the product after sale, such as by requiring use of only specific parts, tires, or fuel. The use of an object is outside copyright protection, except if the object's intellectual works are copied.

The primary use of an object may be obvious, and whether the intellectual work is the primary content. A book is a physical object whose ink is arranged in a way which presents an expression which may be protected by copyright law. The primary use of a book is obviously to present the protected work, and an owner can read it as many times as desired, sell it, or burn it. The fair use concept affects the use of the intellectual work.

A device often has an obvious use, such as an automobile is a transportation device and not a container for its owner's manual. The device should be usable without the manufacturer restricting its use, such as an automobile should function without its owner's manual. A device may have locks which the owner may choose to use to protect a device, but the owner should have control over the use of the locks rather than the manufacturer being able to require the use of locks.

A lock is a device whose use is to control use of something else. The owner of property may choose to use a lock, but should have control over their use. The process by which a lock functions is not an intellectual work which can be protected by copyright law. A description of its function may have such protection, but not how a device functions. Copyright law does not control who may manufacture keys which make a lock function.

In this class, the purpose of a printer is obviously to create patterns on material. The purchaser of a printer should be able to use the printer

for that purpose. The manufacturer of a printer should not be able to restrict its use through copyright law. Copyright law should not protect the creation, manufacture, or use of keys for printer locks.

Class 2: Computer programs embedded in a machine or product and which cannot be copied during the ordinary operation or use of the machine or product.

I believe this class is intended to include computer programs which may assist the operation of a device but do not perform the device's function. I approve of copyright protection of game software, computer system and application software, and audiovisual works, all of which are involved in the ordinary operation of the equipment upon which they are used.

A device which restricts what works may be used with the device should not have protection for computer programs which interfere with the operation or use of the product. An automobile should not require that the manufacturer's embedded controller be used. The computer program within that embedded controller deserves copyright protection, except any parts which restrict use of the product.

Class 3: Computer programs embedded in a machine or product connected thereto, but that do not otherwise control the performance, display or reproduction of copyrighted works that have an independent economic significance.

I believe this class points out that the purpose of the DMCA is to allow technological protection of intellectual works.

Use of the intellectual works is not supposed to be restricted, the DMCA is intended to allow some protections against copying of works. Computer programs which present a copyrighted work are supposed to be protected by the DMCA, but programs or parts of programs which restrict use of a work should not be protected.

Whether a printer should be able to protect against printing a copyrighted intellectual work is an issue separate from the basic operation of the printer. Computer programs which restrict all use of a printer should not be protected. An unprotected work should not be restricted by a printer.