

Comments:

FROM A REMANUFACTURER

I remanufacture laser toner cartridges. I have been in business since 1988 and provide 45 jobs for the local economy. My business is to repair used toner cartridges by cleaning them, replacing worn out components, and adding new toner. The resulting remanufactured cartridge is sold to consumers at a substantial discount to a new cartridge. There are many benefits in using a repaired cartridge over a new cartridge.

Remanufactures such as myself employ Americans to repair cartridges. We keep empty toner cartridges from going into landfills. By repairing cartridges instead of making new ones, we reduce America's dependence on the imported oil used to make the body of a new toner cartridge.

The Digital Millennium Copyright Act, (DMCA) was not intended to prevent the use of repaired toner cartridges in laser printers. I join Static Control in urging the Copyright Office to clearly state that this is the case. However, in an abundance of caution I would also request the Copyright Office exempt from the DMCA the three classes requested by Static Control. These classes are:

1. Computer programs embedded in computer printers and toner cartridges and that control the interoperation and functions of the printer and toner cartridge.
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.
3. Computer programs embedded in a machine or product and that control the operation of 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.

These three exemptions will not affect the DMCA's primary goal of preventing people from circumventing encryption for the purpose of copying protected works. It will make clear that the DMCA was not intended to prevent the repair and reuse of hardware nor was it intended to prevent the interoperability of physical devices.

ALTERNATE PARAGRAPH

We are able to keep 150,000 lbs. per year of waste out of landfills and provide savings of \$250,000 per year to end users.

Rick Applewhite
President

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