

It is essential that the rights of consumers of media be protected.

Fair use and copying for personal use, including transferring content between various physical media to meet consumer needs is something that has been protected by courts in the past over the objections of short-sighted media companies unwilling to adapt the changes in the market place, and find new streams of revenue. A classic example is video cassette recording, a technology that was fought by film companies, and now brings more revenue for film companies than any other segment. The ability to copy a phonograph or a CD onto audio tape does not result in losses to a recording company - to the contrary, it has freed them from the need to provide multiple formats to consumers, resulting in a streamlined manufacturing and distribution process.

With the arrival of digital technologies these same companies are now demanding that the technology be stopped, rather than attempting to find ways that they can use the technology to improve the satisfaction of consumers and increase their revenues. Legislating such protection against technology advances helps no one, and hurts everyone in the long term.

The very consumers who are the best customers of media companies - though who made early investments in HDTV, DVD, and advanced audio technologies will find their extensive investments rendered useless if hardware copy protection is required by legislation, and all to no avail. As a consumer who has purchased legal equipment worth thousands of dollars over the several years, and purchases hundreds of legal CDs, DVD, and other software I will be very disappointed if the FCC decides that my unrecoupable losses as a consumer is outweighed by a media company's unwillingness to deal with market realities by creating innovative solutions to the challenges posed by digital technologies.

So far every copy protection scheme created has been circumvented, allowing those who are willing to circumvent such protections easy access to protected information, while at the same time denying honest consumers the ability to exercise their fair use rights. This situation is untenable, and not one that the government should encourage through legislation.