

**PROPOSALS TO AMEND DMCA WOULD UNJUSTLY  
WEAKEN CRITICAL COPYRIGHT PROTECTIONS**

The Software & Information Industry Association (SIIA) is the principal trade association of the software and information industry, representing over 600 high-tech companies that develop and market software and digital content for business, education, consumers, the Internet and entertainment. SIIA and its predecessor organizations have been fighting digital piracy longer than any other trade association in the world. During the 17 years we have combated digital piracy, we have gained invaluable experience as to what anti-piracy policies and laws are effective. Based on this experience, SIIA is of the strong belief that the DMCA remains a viable, effective and well-balanced law and that changes to it are unwarranted at this time.

The DMCA has helped improve technological innovation to the benefit of the public, the U.S. economy and copyright owners. Because of the DMCA, companies are now incorporating the technological protections afforded by section 1201 and 1202 of the DMCA into their business models to create new and unique ways for getting their products and services to their customers. The DMCA is being used in the civil and criminal context to effectively shut down well-known digital pirate operations. Prior to enactment of the DMCA copyright owners lacked the proper legal tools to fight such digital piracy. And, perhaps most significantly, consumers have access to essential products and services that would likely not be available but for the technological protections afforded by the DMCA.

There have been several bills introduced that aim to change the DMCA or otherwise alter the Copyright Act in ways that would make the law ineffectual or overturn well established copyright policies that have endured for decades. We are particularly concerned about proposals that seek to alter copyright law in any way that narrows the existing rights and remedies available to copyright owners, broadens existing exceptions, or creates new exceptions to such rights and remedies. This includes, but is not limited to, legislation that attempt to adversely alter the scope or application of the fair use defense (17 U.S.C. 107), the DMCA's subpoena provisions (17 U.S.C. 512) or the DMCA's anti-circumvention provisions (17 U.S.C. 1201). We strongly oppose any legislation that would broaden or narrow these provisions at this time.

In 1998, and many times before and since, Congress has rejected these proposals as bad policy. What Congress rejected as bad policy then, remains bad policy today. Nothing has changed to warrant a wholesale reconsideration of these issues or to warrant undoing the compromise reached in the DMCA or copyright law generally.

If you have any questions or comments about this letter, please feel free to contact Keith Kupferschmid, SIIA's Vice President of Intellectual Property Policy and Enforcement at (202) 789-4442 or by e-mail at [keithk@siia.net](mailto:keithk@siia.net).