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**From:** Darryn Wiley [mailto:dwiley@zetron.com]

**Sent:** Thursday, 9 February 2006 10:41 AM **BY:** \_\_\_\_\_

**To:** Committee, LACA (REPS)

**Subject:** Inquiry into technological protection measures (TPM) exceptions

Good Afternoon,

Hopefully this will reach you in time, I can't locate the actual deadline date on your website for this enquiry.

#### INTRODUCTION:

I really must wonder at the true intentions of so called 'copyright protection' measures being considered as there appears to be no regard whatsoever to the rights of users, consideration only being towards extracting as many profits as possible from consumers. I feel that as a result of advancing technologies we must really start again with copyright laws, not try to patch up an already botched and broken system, certainly NOT bowing to pressure from large US based corporations. Any decisions made **MUST** be by the Australian Government and the Australian People **ONLY**.

#### DEFINITION OF COPYRIGHT:

Copyright Law must focus solely on preventing others from yielding profits by on-selling other people's work. It must NOT be used to prevent competition, stifle innovation or block legitimate use which is certainly how TPM planning is going. Another question: Why is it we have been quite happily recording TV programs and other materials on analog tapes for years without any problem (even though strictly speaking this is illegal under current copyright laws, but what do you do, go around every house busting everyone?). Suddenly, with the advent of the Internet and digital recording/playback technologies with the home PC we are all suddenly assumed to be 'potential pirates'!

Currently I see TPM's violating other aspects of our current laws and consumer rights:

- **Privacy:** As your nice new HD-DVD player obtains permission via the internet to play a disc from the movie provider, what other information is being 'sequestered away'? We are only just beginning to understand the impacts of identity theft now. The Internet is not, and never will be, a truly secure medium.
- **Competition Policy:** No company has any rights whatsoever to prevent others developing alternative solutions. This is NOT what copyright is supposed to do.
- **Anti-Hacking Laws:** Since when do we give companies the right to alter and change data stored on our systems? As I own my PC, I should be the **ONLY** person who decides what and when any data is deleted or installed on my computer. The uproar against Sony-BMG over its XCP and MEDIAMAXX copy protection was justified and those affected users had every right to take action. If I just went in and altered my bank account details on my bank's computer systems, I would end up in jail. So why should we put up with TPM measures getting 'carte blanche' in users' PC's or PVRs?
- **Discrimination:** Why should those in country locations or have no Internet access be prevented from enjoying new digital media, e.g. simply because their new HD-DVD player can't 'phone home' every time a disc is played, or a PVR can't connect with a TV Station? I think these people will simply not bother.
- **Stifle consumer uptake/forced obsolescence:** If I can't play anything I purchase on my existing equipment in my house because TPM prevents me and I can't bypass the TPM, I simply won't buy it or will get a refund as the material is 'not of merchantable quality'. I should not be forced to replace my equipment simply because someone has decided 'it is in-compatible'. Only I should be making that decision.

In closing, I must also raise another very important point. What happens if my TPM protected Digital Media I have purchased over time is lost? Why should we all have to place insurance claims to re-purchase lost media when we could simply be allowed to back up our collections

using whatever means we choose, including format shifting? Why should the insurance industry and ultimately their clients fund the greed of media organisations?

I hope this provides some realistic insight into the impacts of TPM's before we allow them to create more problems. Unfortunately TPM's have other collateral uses besides copyright protection which must NOT be allowed to happen.

Thank You

Darryn Wiley.