

Dear Sirs,

I am writing in regard to the Gowers Review. I wish my opinions on the issue to be placed on record and given due consideration.

I am speaking as a consumer of media, and wish to cover a number of specific issues relating to fair use and digital rights management.

I feel this country should have fair use legislation. My reasoning is:

- There is currently very little fair use protection. Format shifting is the most obvious issue that springs to mind - while many manufacturers will sell me a device to listen to MP3 audio in my car, at home or on the move, it is technically illegal for me to copy my existing CD collection to a format these devices will play, and there are virtually no legal ways to purchase music in MP3 form.

- Regarding the compensation of content owners for fair use, the whole purpose of "fair use" is that a limited amount of copying for private use is tolerated without compensation to content owners. The difficulty stems from defining what is a reasonable limit. Given that the amount of media people have is likely to increase as time goes by, it probably makes more sense to legislate on the basis of "number of people with whom someone shares media, do they do so in order to make a profit" rather than "amount they share".

For instance, I wouldn't see a problem with giving a friend the occasional CD with MP3 tracks on it because they expressed an interest. It's an extension of twin tape recorders in the 1980's where people would make a copy for a friend. I would, however, see a problem with selling copies, or distributing the data with hundreds of people.

- Digital Rights Management as it stands relies on encrypting data, and only decrypting it under a limited set of circumstances - such as if a customer uses an "approved" device to play it back, or has paid a subscription fee. Archiving such data is effectively impossible, as it means either paying a subscription in perpetuity (which breaks down if the company you're paying the subscription to goes bust or decides to move on to different technology) or keeping devices which are capable of replaying the data in perpetuity - equally impractical as sooner or later everything fails.

A possible solution would be an extension of the current rights the British Library has. I understand the British Library can demand a copy of any book which is ever published in the UK. This could be extended to other media, with the stipulation that media supplied to the British Library is supplied in an agreed format without any DRM.

The necessary facilities to store the amount of data which this would entail could be deployed relatively cheaply with existing technology.

This has the added benefit of bringing about an organisation with the facilities to bring media into the public domain on expiration of copyright without being restricted by any DRM which was included in consumer copies at the original time of publication, thus eliminating any issues with DRM continuing to exist after copyrights expire.