

October 12, 2004

The Honorable John McCain
241 Russell Senate Office Bldg.
Washington DC 20510

Dear Senator McCain,

Consumers Union and Public Knowledge thank you for your efforts to ensure that there is proper consideration of H.R. 2391 and H.R. 4077, the “Intellectual Property Protection Act of 2004.” Through your objection to the further consideration or passage of these bills by unanimous consent, you have again shown that the rights and expectations of consumers and the public should be paramount in determining the proper scope of copyright protection.

As you noted in your statement, Section 212 of this bill was intended to provide an affirmative right for those who use technology to skip objectionable material, such as profanity, violence, or other adult material, in the movies that they legally purchase. This is a right that most believe manufacturers of technology and consumers already have—regardless of H.R. 2391 and H.R. 4077. However, this provision was turned against consumers and the tech community by placing on it conditions that prevent everyday uses for consumers, and stifle future innovation for manufacturers.

While you were correct to focus on Section 212 as one which raises troubling issues for consumers, there are a number of other provisions in these bills that cause our organizations grave concern. Attached is a letter sent by Consumers Union and Public Knowledge, along with a number of other organizations, which raises a number of additional concerns about H.R. 4077. These issues may not be as conspicuous as the one noted in your floor statement, but they are fundamental changes to copyright law that pose a threat to consumers and to innovation.

Again, thank you for your vigilant efforts to protect consumers. Consumers Union and Public Knowledge look forward to our continued work with you to ensure that consumers’ rights are protected in the digital age.

Sincerely,



Gene Kimmelman
Director
Consumers Union



Gigi B. Sohn
President
Public Knowledge