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UCLA As Poster Child For DMCA Reform

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Over at *Ars Technica*, I [report](#) on a federal ruling that says that it's legal for UCLA to rip DVDs and stream them to students over the campus network.

One of the key issues in the case is the interpretation of the Digital Millennium Copyright Act. This is a 1998 law that prohibits "circumvention" of copy-protection schemes like the encryption on DVDs. It's intended as an anti-piracy measure, but as I've [argued before](#), it's had far-reaching negative consequences.

On Monday, Judge Consuelo Marshall effectively ruled that if you own a DVD, then circumventing its copy-protection isn't against the law. This is, to put it mildly, an unorthodox interpretation of the DMCA. The whole point of the DMCA is to prevent even lawful owners of copy-protected content from making copies and giving them to their friends. Judge Marshall's interpretation would render this part of the DMCA toothless.

My suspicion is that Judge Marshall doesn't understand the DMCA. He devotes a grand total of three sentences to the anti-circumvention issue, and those sentences don't evince much understanding of the law. He probably thought he had a common-sense understanding of what the DMCA said, and didn't feel a need to dig into its language or history.

Unfortunately, that probably means his ruling will be overruled by the US Court of Appeals for the Ninth Circuit, which certainly does understand the DMCA and is likely to give the subject a more rigorous treatment. But it's worth noting that Judge Marshall's common-sense position is right as a matter of policy, even if it's not what the law currently says. It *should* be legal for UCLA to rip DVDs and stream them to its students. It should also be legal for people to rip their DVDs for personal use, the same way they can rip their CDs into iTunes.

Still, I'm excited to see a DMCA case with UCLA as the defendant. Ordinarily, copyright interests are careful to select small, obscure, or unpopular defendants for precedent-setting cases. Fairly or not, it's easy to paint a company like Napster, an eBay software

reseller like [Timothy Vernor](#), or a [World of Warcraft “bot” vender like MDY](#) as bad guys. In contrast, the UCLA’s streaming of Shakespeare videos to its students is a perfect example of the kind of beneficial technological innovation that the DMCA is stifling.

So one of two things will happen: either the Ninth Circuit will decide to effectively nullify the DMCA’s anti-circumvention language and legalize DVD ripping for educational use. Or the Ninth Circuit will turn UCLA into a poster child for DMCA reform. I’m going to be pretty happy either way.