

Court Ruling Opens Door to More Competition in After-Market Parts

Court Rules Copyright Law Cannot Be Used to Stifle
Competition for Garage Door Openers

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Washington DC - A federal appeals court in Washington, D.C., yesterday upheld a lower court ruling that allows the marketing of "universal" remote controls for garage door openers, an important decision that helps pave the way for competition and lower prices in the aftermarket and replacement parts arena.

"Competition in aftermarket and replacement parts, such as remote garage door controls, helps create lower prices and better products," said Kenneth DeGraff, a researcher for Consumers Union. "Allowing one company to control those markets and the prices they charge hurts consumers."

The DMCA was passed in 1998 to stop mass copyright infringement on the Internet, but some companies have gone beyond this purpose and invoked its controversial "anti-circumvention" clause to stave off the competition. The Samuelson Law, Technology & Public Policy Clinic at Boalt Hall School of Law, UC Berkeley, and the Electronic Frontier Foundation (EFF) co-authored the Consumers Union brief to help stand up for consumer rights and the right to create new aftermarket technologies capable of interoperating with legitimately purchased products.

Jennifer M. Urban, the lead attorney on the case at the Samuelson Clinic said, "The court recognized that copyright law grants rights to consumers as well as copyright holders and held that the DMCA did not wipe those rights away."

"Chamberlain's law suit sought to stifle competition by misusing the DMCA," said Deirdre K. Mulligan, Director of the Samuelson Clinic. "Congress warned of such abuses and we're pleased that the court rejected this view to avoid harming consumers."

"When consumers buy a garage door opener, they have the right to use whatever remote they want with it, even one from another company," said Jason Schultz, EFF Staff Attorney and a co-author of the brief. "In Chamberlain's view, it's their remote or no remote. Thanks to this decision, they've now been shown that the law views it differently."

Skylink won decisions in the lower court and at the International Trade Commission, but Chamberlain appealed, claiming that Skylink's remote control device circumvents access controls to a computer program in its garage door opener. The Samuelson Clinic filed briefs in both forums on behalf of Consumers Union and a student intern presented Consumers Union's position to the lower court during oral arguments. In its decision, the Court of Appeals rejected Chamberlain's claims, further noting that if the court adopted Chamberlain's interpretation of the DMCA, it would threaten many legitimate uses of software within electronic and computer products - something the law aims to protect.

"[Chamberlain's interpretation] would...allow any copyright owner, through a combination of contractual terms and technological measures, to repeal the fair use doctrine with respect to an individual copyrighted work - or even selected copies of that copyrighted work," wrote the court. "Copyright law itself authorizes the public to make certain uses of copyrighted materials. Consumers who purchase a product containing a copy of embedded software have the inherent legal right to use that copy of the software. What the law authorizes, Chamberlain cannot revoke."

For this release:

<URL>

Decision at:

<http://www.eff.org/legal/cases/Chamberlain_v_Skylink/20040831_Skylink_Federal_Circuit_Opinion.pdf>

Consumers Union Brief at:

<http://www.eff.org/legal/cases/Chamberlain_v_Skylink/20040408_Skylink_Amicus_Brief.pdf>

For more information on the case:

<http://www.eff.org/legal/cases/Chamberlain_v_Skylink/>