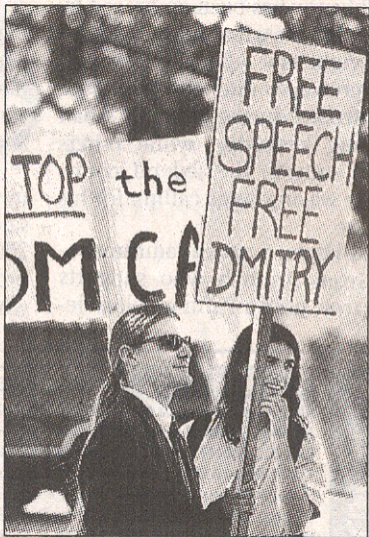
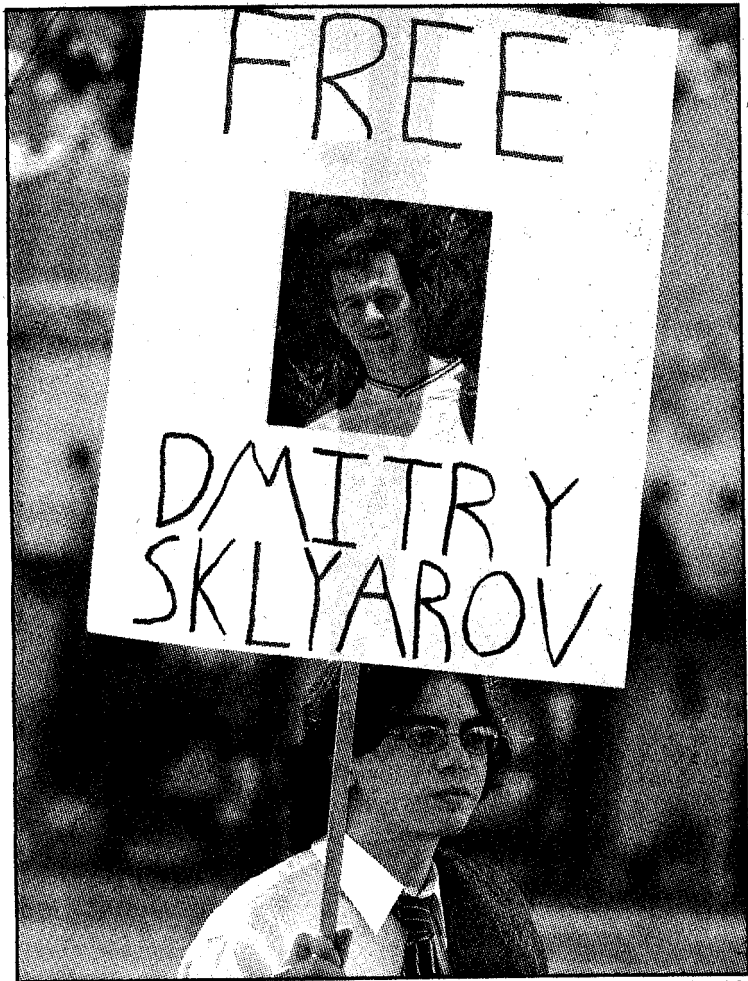


Supporting Sklyarov

Ed Hintz, a systems worker from Antioch, carried a sign in support of Dmitry Sklyarov in front of federal court in San Jose. Sklyarov, a Russian programmer facing federal charges of violating digital copyright laws, was ordered free on bail yesterday. Story on Page E2.



DARRYL BUSH / *The Chronicle*



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John Lawton, 16, of San Jose, protested in San Jose in support of Dmitry Sklyarov, charged with violating an electronic copyright law.

Accused in copyright case out on bail

By Carrie Kirby

CHRONICLE STAFF WRITER

Dmitry Sklyarov, a Russian computer programmer charged with violating an electronic copyright law, was released on \$50,000 bail yesterday but ordered to stay in Northern California until his trial.

Sklyarov, 26, who is charged with violating the Digital Millennium Copyright Act, made his first appearance in federal court in San Jose yesterday. He was released into the custody of Serguei Osokine, a Russian-American programmer who lives in Cupertino.

Sklyarov's passport is being held by the U.S. Marshals Service. He is to return to court in San Jose Aug. 23, when he may be indicted on formal charges. His employer, ElcomSoft of Moscow, paid the bail.

If convicted, Sklyarov could face a maximum sentence of five years in prison and a \$500,000 fine.

Sklyarov, who was arrested by FBI agents at a hackers' convention in Las Vegas, wrote parts of a program that disables the copy prevention mechanism on an electronic book reader published by San Jose's Adobe Systems. ElcomSoft sold the program on the Internet, advertising it not as a pirating tool but as a way to convert Adobe EBooks into a more versatile format.

The Digital Millennium Copyright Act makes it illegal to create devices designed for pirating software, music or other works. This is the first criminal prosecution under the act since it became law in 1998.

Sklyarov has been embraced by tech workers who oppose the new copyright law. About 50 supporters crowded into the San Jose courtroom during Sklyarov's bail hearing yesterday, while others stood outside the federal courthouse waving signs calling for his release.

Ed Hintz, a system administrator from Antioch who supports Sklyarov, used a Palm wireless de-

vice to e-mail news from the courtroom to members of an e-mail group devoted to Sklyarov's case.

Hintz said he finds it unfair that Sklyarov is being charged over software sold by his employer.

"This would be very similar to the recording industry going down to Napster headquarters and arresting everyone who comes out of the building," he said.

The Sklyarov case unites the publishing industry with the music and motion picture industries, which have both been struggling with copyright control in the Internet age.

Last year, the music industry sued to shut down music trading service Napster of Redwood City. Both sides of the case have used the the new copyright law in their arguments.

The Motion Picture Association of America has also cited the law in a suit to stop a Web site publisher from disseminating a program that makes it possible to copy movies in the DVD format.

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