

Name of commenter:

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Class of works:

Motion pictures on DVD

Comments:

1. Motion pictures stored on DVDs are usually encrypted.
2. Encryption of motion picture on a DVD prevents fair uses of the motion picture.
3. Fair uses of a copyrighted work are legal, so circumvention of encryption for these purposes should be exempt.

Statutory considerations:

1. Motion pictures have been available for many years on videocassette. The absence of encryption to control access has not deterred production of these works or reduced their availability.
2. Decrypting motion pictures allows them to be archived in unencrypted form, and preserved for educational purposes.
3. Prohibiting decryption of motion pictures hinders fair uses of the works, including:
  - i. comment, criticism, news reporting, teaching, research, and parody;
  - ii. viewing the motion picture in another geographical region than where it was sold;
  - iii. time- or space-shifting the work for viewing at another time or in another location;
  - iv. making a backup of the work in case the original is damaged.
5. Motion picture companies will not suffer unfairly due to fair uses of their copyrighted works. In the famous Sony Betamax case, the motion picture companies claimed that availability of players that did not give those companies control over access would hurt their business. The subsequent boom in home video sales and rentals showed how exaggerated and inaccurate these claims were. The less inconvenienced the public is by the process of viewing motion pictures, the more movies will be sold. Because circumvention of access control mechanisms allows greater convenience for the public, the movie business will benefit from the exemption.