

[Proposed class or classes of copyrighted work(s) to be exempted]= sound recordings
motion pictures

[Brief summary of the argument(s) in support of the exemption proposed above]= Current media distributions of music and movie recordings (CD and DVD) are non-durable, that is they are prone to scratching, rendering them useless for their intended purposes.

The media producers continue to assert that we do not own the media, we merely license the content, yet they do not provide replacement media to allow us to access content we have paid for should that media fail.

Because of this, it must be left to the consumer to make backups of the media for personal use, yet the media producers encrypt the content in such a way to make backups nearly impossible under the current anti-circumvention portions of the DMCA.

Effectively this means that I am neither buying the media (as I am not allowed to do what I want with it) nor am I licensing the content (otherwise, they should replace the media as needed). Because it is their assertion that I am licensing the content, I should be able to do whatever I need to do to access that content once licensed, and this included making backups. Current DMCA provisions would cause me to lose my license to materials should the media become damaged (as is often the case when dealing with compact discs of children's music or DVDs of children's movies.)