

Proposed class of work to be exempted:

Any work(s) in digital or electronic format which, due to their access controls, prevent the user from being able to access the user-created content.

Argument in support of the exemption:

The user of an electronic work should not be made unable to access their own work as a side-affect of access controls placed on an unrelated work.

Certain over-zealous programs of late, which employ both copy and access controls, have taken to draconian measures to restrict access to their work, sometimes preventing the user from accessing even the user's own work as a side-effect of their protection schemes. One example would be Sony's DRM rootkit disabling CD-ROM drives, which prevents access to any work on CD, including the user's own work. Note that by the nature of this scheme, the entire access control portion of the work must be thwarted--it is unlikely to be possible to remove the restrictions on only user-created work without removing the access control entirely.

Even if some might have issue with that particular example, which is merely the most famous, because this measure is narrowly crafted--protecting only a person's rights to their own work--this exemption can only be used as a measure to protect copyright holders. Therefore, even if it is seen as unnecessary, because it can do no harm to a copyright holder's rights, it should be accepted.