

[Proposed class or classes of copyrighted work(s) to be exempted]= Commercially produced DVDs used in face-to-face classroom teaching by college and university faculty, regardless of discipline or subject taught, as well as by teachers in K-12 classrooms.

[Brief summary of the argument(s) in support of the exemption proposed above]= Since the rise of home video recording in the mid-1970's, educators have regularly exercised fair use rights to extract segments from legally acquired videos, and have used these clips in face-to-face classroom teaching under the provisions of Section 110 of the copyright law. The ability to excerpt a limited number of short clips from copyrighted works has enabled faculty to focus on the most apposite sequences and images in one or several films without having to resort to time-wasting shuffling of discs and cumbersome searching for content. The exemption also has allowed these segments to be incorporated effectively into new teaching tools, and to be used in creative and transformative ways within the context of teaching and learning. The development of encrypted DVD technologies and, particularly, the circumvention proscriptions of DMCA have limited these capabilities for the majority of edu!

caters. The request we are making to expand the current circumvention exemption is basically a plea for restoring to educators in schools, colleges, and universities the powerful teaching tools and capabilities available to them before the advent of DMCA. We also strongly urge the extension of the exemption past the proposed 2009 termination date.