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[Proposed class or classes of copyrighted work(s) to be exempted]= musical works

[Number of classes] = 1

[Brief summary of the argument(s) in support of the exemption proposed above]= One class of work, musical works, is being proposed for exemption.

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Digital media commonly used to distribute musical works have a finite lifespan. There is yet no experience that the lifespan of digital media equals or exceeds the lifespan of familiar analog media used for analog musical works.

"Refreshing" digitally recorded musical works on to new digital media is therefore necessary for the consumer. Without such "refresh" capability any right to use digital musical recordings amounts to a limited time or finite use agreement.

"Refreshing" digital media that contains musical works should be made permissible for anyone who purchases a legal copy of a digital motion picture and other audiovisual work. Until manufacturers of digital musical works provide a reasonable and inexpensive way to "refresh" digital media, the transfer of musical works from one digital medium to another (of the same or different kind) must be allowed without penalty.

[Particular factual support/legal argument for each class of works proposed for exemption explaining how the prohibition on circumvention of technological measures that protect "access" to copyrighted works is adversely affecting identifiable noninfringing uses]= Digital media commonly used to distribute musical works have a finite lifespan. There is yet no experience that the lifespan of digital media equals or exceeds the lifespan of familiar analog media used for analog musical works.

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