

Name: Howard E (Tres) Melton

Class of works: I am writing in support of Class #3 (Unskippable DVD Advertising): Audiovisual works released on DVD that contain access control measures that interfere with the ability to control private performance, including the ability to skip promotional materials.

Summary:

Disc name: A Knight's Tale

Recently my girlfriend and I rented "A Knight's Tale" on DVD.

The disk had scratches that made a few parts unplayable. As I tried to fast-forward through the damaged parts the DVD player would often get confused, display an error code, and shut off. I would then have to eject and reinsert the DVD to clear the error code, and go through the start up sequence. This sequence included: First, being forced to watch the Sony logo while the machine was 'booting'; Second, being threatened with FBI action if I violated the copyright (something that anybody who watches VHS tapes or DVD's probably has memorized from so many repetitions); Third being forced to sit through the studio's logo, an advertisement (something that I had paid NOT to have to watch). I would then have to advance the disc to the chapter following the defect, carefully rewind to just after the disc error, and then try playing from there. The player failed about five times, and each time it took about two minutes to get back to the movie. This meant that the restrictive technology encoded on the DVD not only robbed us of about ten minutes of our time, but spoiled our pleasure in the movie.

Although the problem of scratched DVDs and CDs is quite common, it is not considered a problem by the industry. Recently the Harvard Political Review published an interview with Mr. Jack Valenti of the MPAA in which he made the following statement: "But you've already got a DVD. It lasts forever. It never wears out. In the digital world, we don't need back-ups, because a digital copy never wears out. It is timeless." My situation is a direct refutation of his statement, and also of the presumptions upon which the DMCA was based. I am angered at the movie industry's refusal to recognize that a DVD has a limited useful life. Although a DVD might last forever if protected from physical damage, the technology will not. Neither will the players, as they have electronics and moving parts. One day it will become impossible either to repair or to purchase a DVD player for the part of my movie collection that is in DVD format. Is my collection to become worthless at that time? This is clearly contradictory to the statement "It lasts forever". I should be able to copy my DVD content, both to obtain a back-up (a standard procedure for all other valuable digital data) and also to move the contents to whatever format replaces the DVD, without violating provisions of the DMCA.