

[Proposed class or classes of copyrighted work(s) to be exempted]= section 1201: the prohibition on the conduct of circumvention of technological measures that control access to copyrighted works.

[Brief summary of the argument(s) in support of the exemption proposed above]= It seems to me that if it is legal for me to tape a show on VHS and play the show back on another TV that I own, I should be able to take a show from my Tivo and play it back on any other device that I own, such as a Video Ipod. In the Tivo instance the fact that the unit adds the content protection so you can only play it back on the Tivo or pay for the ability to play it back on your computer does not protect the rights of the copyright holder, but the rights of Tivo. For a specific example: There is a Kim Possible marathon on Friday and we are taking a weekend trip. If I use a DVD recorder I can play the DVD for my daughter on the trip because I would not be circumventing any copy protection and it is considered fair use. If I use Tivo and move it to a Video Ipod I can NOT play it for my daughter because I would have to circumvent the copy protection placed on the shows by Tivo, not Disney !

Channel. To me it seems a disservice to both the end user and the TV show's producer and network because the law as it stands with no provision for circumvention on non-infringing issues such as the ability to view under fair use. I have no problem with trying to keep people from sharing illegally. I think they should be prosecuted to the full extent of the law. I do believe, however, that one should be able to choose a playback device for a recorded show if the only difference is circumventing the copy protection in this case. As the digital age matures, maybe different formats and different copy protection schemes won't be as much of an issue and the law can be revisited then.