

[Proposed class or classes of copyrighted work(s) to be exempted]= I must apologize in advance. I was not aware of this proceeding prior to today and have had, in effect, no time to review much of the background material. I am a private citizen and a user of many forms of today's technology. I must then leave it to you, the reviewer, to find an appropriate fit, with relation to which class this suggestion would best connect to.

My specific issue is resale of a copyrighted product.

Herein, I have two points.

First:

There needs to be an exemption clearly stated, to ensure that once I have purchased a product (movie, music, software) that I can advertise it and potentially provide evidence of the quality of the original media I am selling. Given the advances taking place in technology, it is not unrealistic to expect that instead of a text only description of a product, a private citizen selling a music CD or other media would want to post a series of audio selections from the CD, as proof that the CD remains playable and to help the purchaser confirm that this is the product they want to purchase.

Second:

I have some very old 78 rpm records and an assortment of 45 and 33.3 rpm records. For some people the scratches you can hear on vinyl are part of the charm. However, having a record player that still functions with all these record formats can be an obstacle for some purchasers. I should be able to make a complete copy of a record, using Audio CDs designed to not allow further digital copies to be mastered from them. Having made this copy, I should be allowed to sell the original record and all its packaging, along with its newly created twin to a prospective buyer.

[Brief summary of the argument(s) in support of the exemption proposed above]= These two abilities empower and assist both myself and the prospective buyer in the follow ways.

With respect to the first issue:

I can provide a better assurance of quality to the purchaser of the product. Just as an original creator of the product was able to produce sales flyers or play a sample to help move the product, I should be able to use my own creativity along with images of and selections from that product to help me sell it when that time comes.

In the second case I see the following benefits

- 1) I've provided a value added service to my buyer,
- 2) I have kept the record out of a landfill and rather than having the original owner and current copyright holder have to expend more of the worlds resources trying to guess how many customers would buy the original content in a new media format, we can be better stewards and only produce what is really needed. In this case, one old record gets transferred to one type of new media, so the amount of waste from production, advertising, transportation, warehousing, etc is all reduced to almost nothing.
- 3) The value of the original purchase is extended. Rather than having a fully depreciated item, by allowing it to be transferred to a new medium, its total useful life is extended. At best this sort of sale is a fringe event. It could in no way prevent a distributor from making a living, but it does allow us all to be better stewards of both the items we purchase and the world's resources over time.