

[Proposed class or classes of copyrighted work(s) to be exempted]= Computer programs protected by mechanisms which restrict their full operation to a particular platform or OS.

[Brief summary of the argument(s) in support of the exemption proposed above]= This is a proposal for the extension of item #3 from the 2003 extensions.

It is a well known fact that when you upgrade your operating system (OS), older programs are not always guaranteed to work properly if at all. This is even more so prevalent when completely switching to another OS (ex. Windows to Linux and WINE).

Many times it is only the anti-piracy mechanisms, which rely on OS specific quirks, that do not work on the new platform. These must be reverse-engineered and circumvented in order to use the legally obtained software.

This is an especially bad situation, because the DMCA effectively props up OS monopolies and costs users in the form of software upgrade costs that may be unneeded.

It is also often impossible for the average user to easily maintain multiple OSes just for the purposes of running the older software, because the vast majority of OEMs only supply re-imaging CDs rather than actual install media containing the OS. Anti-piracy mechanisms in the OS prevent its transfer from one machine to the other (i.e. it can only be installed from the original media, and recovery CDs tend to be so specific as to only work on the original hardware).