

Class of Works: Literary works; musical works; dramatic works; pantomimes and choreographic works; pictorial, graphic and sculptural works; motion pictures and other audiovisual works; sound recordings; and architectural works.

Summary: Ever since the first computer programs were distributed, on tab cards followed by paper tape followed by magnetic tape and on until today, copies were always made, and in fact recommended by the vendor. The original, or "master", was then placed in a secure storage location and the copy was used. If anything happened, cards damaged, dropped on the floor, tape ripped or stretched, a relatively immediate copy could be made. This, in my over 40 years in the computer industry, provided continuity and was just plain good business conduct.

We have expanded the media that is process on computer systems over the years and now include entertainment in the form of audio and video components. Just as making backups of my data is a requirement for any business plan it continues to make good business and common sense to copy all media, just as the lowly tab card, and place the original in a safe and secure storage location, just in case.

When I purchase and program or media the right to use that program or media is mine provided I abide by reasonable, and stated, rules. The same is true of rentals, leases - really a "long term" or fixed period rental, and licenses. It is understandable that I cannot use the media, in the case of audio or video, for public entertainment unless the appropriate royalty is paid. Clearly stated is "for personal use".

By making, and using, a backup to insure that anything that can go wrong can also be removed from in a reasonable manner is not cheating anyone. Tapes have been "eaten" by countless tape decks, especially when used in the hostile environment of an automobile. I would never consider using the original in my car and subjecting it to the wide temperature and other environmental stress found there. I always make a copy, with the original never played and securely stored to prevent damage.

This is my right as I purchased the media. I am not distributing it nor am I using multiple copies simultaneously. To prevent this activity will violate good business and common sense principles. Do the vendors and creators of this media make backup copies of their software, the very software that runs their business? You can stake your life on it or the auditor, and stakeholders, would pull the plug.

It's time to use some common sense and stop the stupidity.

Submitted by:

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