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Principal Legal Advisor
Office of the General Counsel
United States Copyright Office

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Re: Screen Capture Questions

1201 Anti-Circumvention Rulemaking
Hearing witness:
Jeff Clark
Consortium of College and University Media Centers (CCUMC)

Thank you for providing CCUMC with an opportunity to follow up on the questions that the Copyright Office has posed in order to clarify the issues involved with capture software.

Most of the questions posed are of a technical nature that CCUMC's institutional membership is unlikely to have much experience with. As Carleton Jackson suggested—writing on behalf of the Film & Film Studies Initiative at the University of Maryland, one of CCUMC's members—our media and technology support services have barely begun to develop expertise in capture techniques and software development for them. This is certainly true when applied to copyrighted content. On a personal note, I not only monitor our organizational listserv but also have presented “copyright updates” at our annual conferences for the past 10 years. Conversation in both venues (as well as informal networking at the conference) has convinced me of this impression.

Therefore we are pleased to endorse the joint statement assembled by Jonathan Band and Peter Decherney, which can address some of the technical questions. We otherwise stand firmly behind our own testimony at the Washington DC hearing, regarding the interdisciplinary value of selectively compiling DVD content of the highest quality for use in education. As a result of other testimony at the hearing, we would also extend this support to content on Blu-ray Disc. Although it is still not certain that Blu-ray will replace DVD with uniquely available content—before both formats are themselves replaced—there is no reason on principle to exclude protected high-definition content from the same consideration for an exemption (although that BR content does not use the CSS system for its protection but instead AACS, BD+ and BD-ROM Mark).

I would be glad to answer any additional questions that the Register of Copyrights may have. CCUMC appreciates the opportunity to contribute to the current rulemaking process and looks forward to its outcome.

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