

July 10, 2009

Mr. Robert Kasunic
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United States Copyright Office
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Re: Additional Comments on Screen Capture and Educational Issues

In the event that screen capture is determined to be a legal alternative for bypassing CSS, there are a number of significant educational activities where the image/sound quality that results from screen capture would reduce the effectiveness of particular types of learning experiences and assignments that are part of the practice of media literacy education.

Here are some examples:

- A teacher who is exploring the power of sound in shaping audiences' sense of presence (the sensation of "being there") will be unable to illustrate the way that multi-channel sound is used in contemporary film, since screen capture will flatten the dimensional qualities of the sound. It's common for media literacy teachers to introduce the work of the Foley artist to heighten students' listening skills and these types of activities will be less effective without the use of high-quality sound sources.
- A teacher who is introducing the fundamental concept of mise-en-scene (for example, by examining the genre of action-adventure) will discover that screen capture is not effective with motion media that uses fast internal action at the shot level. Scenes will look blurry that are, in fact, sharp. This will be most problematic for teachers who are specifically exploring how camera shots, lighting, frame composition, movement of the camera and characters, and set design are working together to create expectations of suspense and excitement.
- A student who is creating a presentation that demonstrates how stereotypes are found in television crime programs will be hampered in using comparison-contrast techniques to examine differences in police-procedural shows on television, such as "The Mentalist" or "The Shield," if they are required to rely on screen capture rather than DVD releases of these programs. Students will likely discover that screen capture techniques weaken the ability to document how minorities and foreigners are depicted in contemporary programs, especially when these individuals are not the major focus of a scene. Blurriness

during fast action scenes and the diminished visual quality of night-time scenes will limit the usefulness of this learning experience for students.

- A group of students who have been assigned to explore specific aesthetic characteristics that distinguish Hollywood films from independently-produced films and create an oral presentation examining the two genres will find it difficult (if not impossible) to examine how shooting on film vs shooting on digital video affects the emotional tone of a film. Screen capture images simply do not offer students the level of detail required to develop the discrimination skills involved in this task, which for Film and Media Arts students is a significant component of their learning. Careful analysis of visual tone is an important skill that students need to acquire through detailed study of the visual elements of various types of films. Today's students learn these skills best when they have the opportunity to handle and manipulate image texts as part of the learning process.

I could multiply examples of this kind, but these may be sufficient to make the point: There are many settings in which both teachers and learners require higher-quality sound and image than screen capture tools can provide if the objectives in media literacy education are to be met.