

July 24, 2012

Mr. David O. Carson
General Counsel
U.S. Copyright Office
P.O. Box 70400
Washington, DC 20024

RE: Docket No. RM 2011-7
Exemption to Prohibition on Circumvention
of Copyright Protection Systems for Access
Control Technologies
Proposed Classes 7 and 8

Dear Mr. Carson:

On behalf of DVDCCA, this letter provides our response to the third question posed in your letter dated July 3, 2012.

3.

(For witnesses opposing proposed Class 7): Proponents have argued that the use of screen capture software to capture segments of the 2009 Star Trek motion picture was insufficient because of pixelization, dropped frames and poor quality of zoomed in and cropped images, and offered examples of such shortcoming.

The Office requests that opponents of proposed Class 7 inform the Office whether they are able to use screen capture software and any editing software to capture the same images from the 2009 Star Trek movie with results that are of sufficient quality for the requested uses. If you are able to do so, please describe the hardware and software products used and the specific steps taken to obtain the results, and submit a copy of the resulting images. Please also either provide copies to the other witnesses addressed in this letter or provide the Copyright Office with permission to provide copies to the other witnesses.

RESPONSE

We were able to make copies of an approximately 1 minute clip from the same Star Trek movie DVD recording and then to take various individual frames from that clip. We made that recording using the Replay Video Capture Software previously demonstrated to the Copyright Office in this proceeding. Copies of those frames are provided with this letter and are being forwarded by courier delivery to the proponents of this exemption who are copied on this letter.

(We also authorize you to distribute those frames to any other witnesses.) In our estimation, the quality of both the clip and the individual frames is excellent. They do not appear to have the same characteristics as are noted in the question above. Although our frame may not be precisely the one that was used by the “vidder” proponents who showed the image at the June 4 hearing, the quality of the recording in no way limited our choice in frames. We could have just as easily used any of the other frames.

Summary of Our Process

The following describes the process that David Taylor, co-counsel to DVD CCA in this proceeding, used in creating the clip and capturing the individual frames. We did not consult with the expert studio engineers employed by members of DVD CCA in order to allow our demonstration to approximate the situation that the non-professional vidders might experience, although we note that the vidders are regularly engaged in using the types of technologies that we used whereas Mr. Taylor is not even an amateur video expert. Prior to this proceeding, he had never used the Replay technology and had not edited even his own “home movies.” Those with more experience than Mr. Taylor would, presumably, be even better at capturing and using the clips and images.

The process and hardware and software used were as follows:

First, we reduced the size of the media player window and then recorded the scene from Star Trek using Replay. We then opened up the MPEG -2 video in Pinnacle Studios, a video editing software. We applied the editing tools to the frames as we understood the proponents had. We captured those images with a single frame screen grab tool. Those are the images that we are submitting.

Hardware

- We used a Toshiba Satellite P775D to playback the movie on the disc and record the scene.

Software

- Replay Video Capture Software (Version 6.0.4 -04.28.12) for Windows Ver. 6.1
 - o Audio settings: 192 kbps
 - o Video Settings: 6000 kbps at 25 fps in MPEG-2 format
- Pinnacle Studios Ver. 12.1

Respectfully submitted,

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