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August 2, 2012

VIA EMAIL & U.S. MAIL

David O. Carson, Esq.
General Counsel
U.S. Copyright Office
Library of Congress
P.O. Box 70400
Washington, DC 20024
1201@loc.gov

Dear David:

On behalf of the Joint Creators and Copyright Owners, I am pleased to respond to your letter of July 25, 2012 regarding Proposed Exemptions #7 and #8 in Docket No. RM 2011-7, Exemptions to Prohibition on Circumvention of Technological Measures that Control Access to Copyrighted Works. This response will serve as the sole response of the Joint Creators and Copyright Owners, although the individual witnesses who testified on behalf of the Joint Creators and Copyright Owners (copied hereon) appreciated receiving your letter.¹

We agree with DVD CCA that screen-capture technology can produce high-quality clips and images. The images submitted by DVD CCA are superior to those submitted by the Organization for Transformative Works (“OTW”). In fact, DVD CCA’s submission undermines the arguments presented by OTW at the June 4 hearing. *See* Transcript at 284-293 (statement of Ms. Turk).

Although the quality of captured images will depend upon the quality of the screen-capture technology being used, and other factors, it is clear that technology continues to improve as the digital transition progresses. The proponents’ ability to access and copy audiovisual works is expanding, not diminishing. If the Copyright Office concludes, as it did in 2010, that the proponents can use screen-

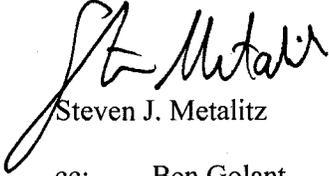
¹ Your letter invited “proponents of Class 7 to submit responses to DVD CCA’s July 24, 2012 letter and exhibits (accessible via Dropbox) addressing the quality of the screen captured images no later than close of business on Thursday, August 2, 2012.” However, the email to which the letter was attached did not similarly limit the class of persons who were invited to respond to DVD CCA’s letter. Our understanding is that all parties copied on the letter (other than DVD CCA) were welcome to respond.

David Carson, Esq.
August 2, 2012, Page 2

capture technologies to copy portions of DVDs without circumventing any access controls, then there is no basis to grant an exemption for "vidding."²

Please let us know if you have any further questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "S. Metalitz", written over the typed name "Steven J. Metalitz".

Steven J. Metalitz

cc: Ben Golant
Clarissa Weirick
Dan Mackechnie
Mitch Singer

² Of course, the Joint Creators and Copyright Owners oppose an exemption for vidding for other reasons as well, including the failure of the proponents to demonstrate that vidding is, in fact, noninfringing.