

Note: Please submit a separate comment for each proposed class.

This is a Word document that allows users to type into the spaces below. The comment should be no more than one page in length (which may be single-spaced but should be in at least 12-point type). The italicized instructions on this template may be deleted.

Short Comment Regarding a Proposed Exemption Under 17 U.S.C. 1201

Item 1. Commenter Information

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Item 2. Proposed Class Addressed

Class 23: Abandoned software – video games requiring server communication

Item 3. Statement Regarding Proposed Exemption

I support a copyright exemption for abandoned videogames requiring server communication. In the first place, it allows a user (no matter at what point in time did they purchased the video game software) to keep using the software that they have purchased without resorting to piracy or using third party software that could have hidden malware (viruses) that could harm their hardware.

At the same time, it allows for the preservation of video game software, an expression of the time it was produced, to last for more years and be the subject of academic studies for generations to come, by both users and organizations alike. Throughout the years, and most recently, video games have become depending on Digital Rights Management (DRM) and online multiplayer functionality, for publishers to increase their profits, without considering that the preservation of the video game software and its functionalities are wholly preserved. Dozens of games have their online functionalities taken down every year by publishers such as Electronic Arts (EA), Microsoft Game Studios, and Sony Computer Entertainment, making their preservation increasingly complex and troublesome. In several instances, the only way for the user to access the videogame software they purchased is through server communication, as it has been seen recently in “Destiny” from Activision, or in the case that it has a single player component with an added multiplayer component, the former becomes unplayable due to the way the software was designed, as evidence by the Xbox 360 video game software “Chromehounds”, which focuses on multiplayer interaction to acquire in-game items to progress through the single player component of the software. As of now, it is impossible to progress through the game because there is no way to create a new server for the software, making impossible for a new user to experience the software as its creators intended. Which is a reflection of the growing reality of games: more games are not working due to the lack of server communication.

Video game software also requires for constant online activation and registration, without a server to run this check, video game software become unusable, without recurring to piracy or for third party software which can be harmful. Because of the lack of a copyright exemption, no reputable organization will attempt to preserve videogame software and risk being sued by the copyright holders, essentially meaning that such product, such expression will be lost in time.

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