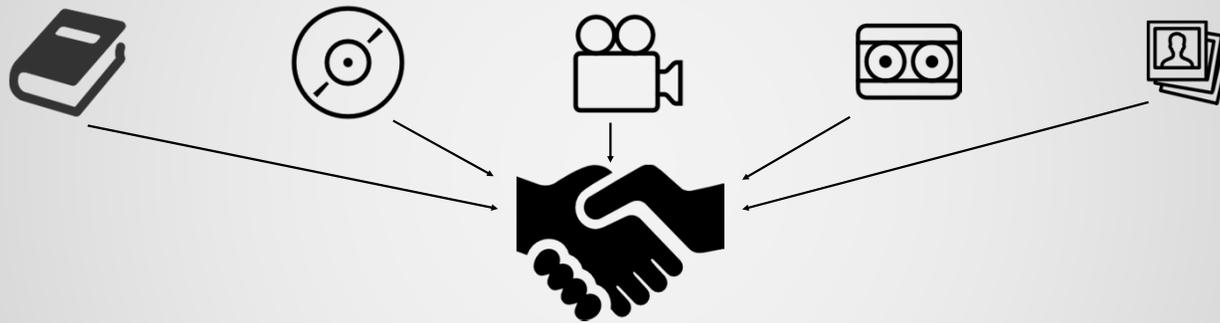




**Shifting The Fixation Of A Work From One Medium To Another  
Without Reproducing The Work Into Copies**

For centuries, secondary markets for books, music and movies were controlled by consumers



Everyone was free to pass on their copies to someone else, without the copyright owner's permission

## When the medium itself is not easily redistributable, non-reproductive space-shifting:



Re-empowers the owner of the lawfully made copy

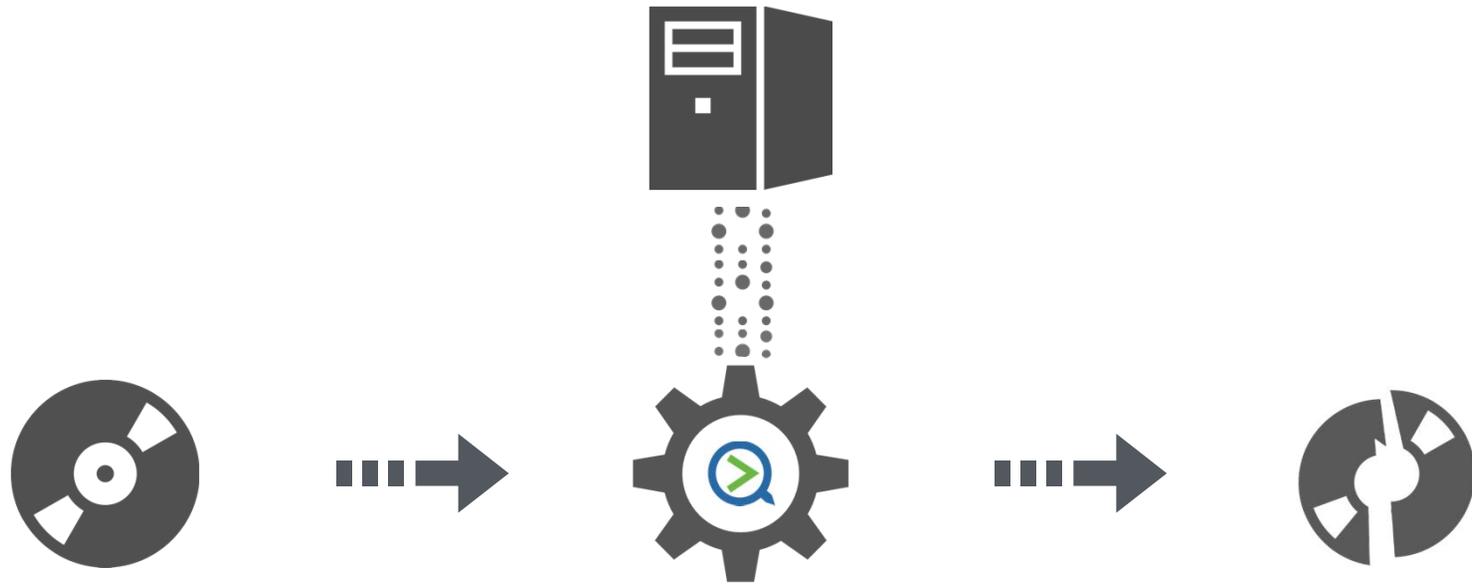


Restores the resale value of lawfully made copies



Allows unlicensed secondary markets to flourish once more

## INGESTION PROCESS



OmniMove transfers the movie from the disk

While simultaneously destroying the original

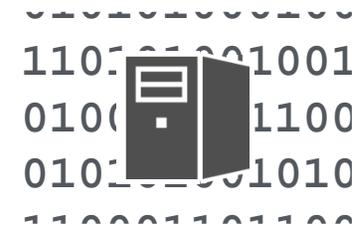


During the **transfer**, two copies **never** exist

## DISSEMINATION PROCESS



We transfer the movie to the customer with the only encrypted key

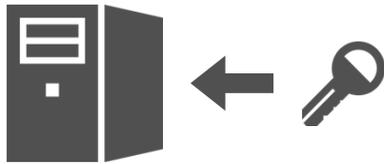


Rendering our data unreadable

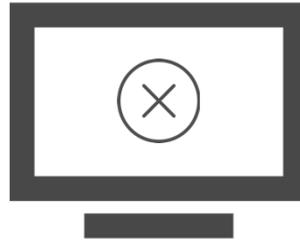


During the process, two copies **never** exist

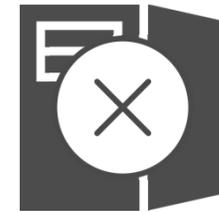
## RETURN PROCESS (optional)



To restore our data, the key must be returned by the copy's owner.



When the key is surrendered, it renders the work unrecoverable.



If the key is never returned, OmniQ loses the copy forever.



During the process, two copies **never** exist

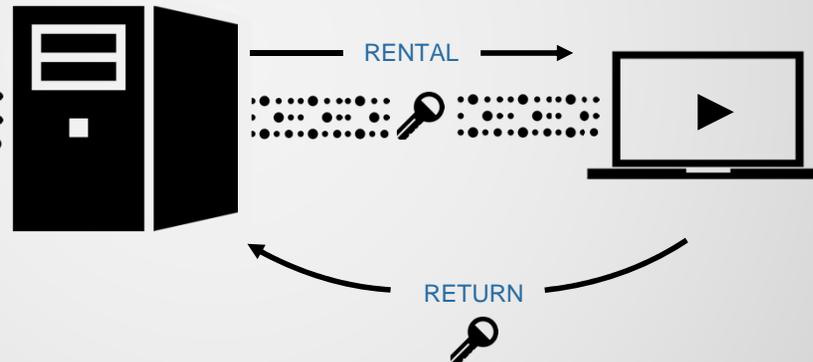
## PROCESS SUMMARY

- 1 | OmniQ **transfers** the movie from the disk



- 2 | While simultaneously **destroying** the original

- 3 | We transfer the content to the customer with the **only encrypted key**, rendering our data unreadable

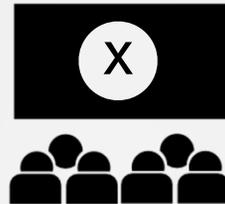


- 4 | The user may return the content, sending the encrypted key back, rendering their data unreadable and restoring ours

## THE OMNIQ DIFFERENCE – NO SECTION 106 RIGHTS AFFECTED



With non-reproductive space-shifting:



Nothing is performed publicly

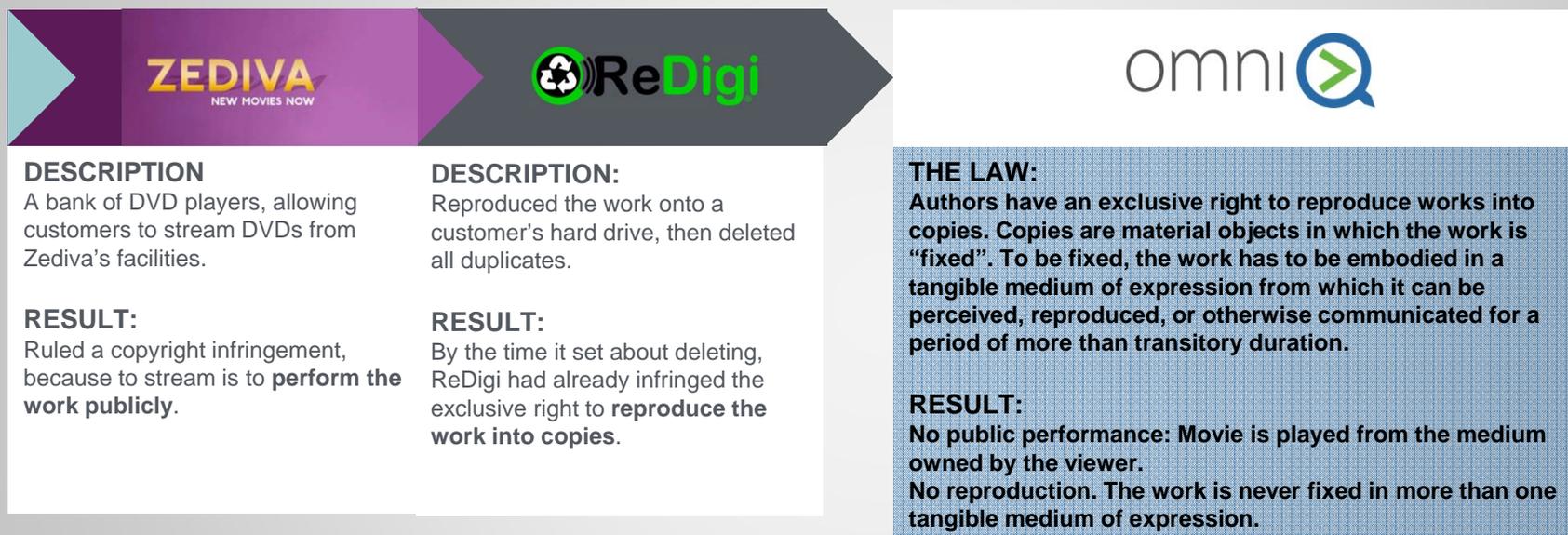


Nothing is reproduced



During the entire process, two copies never exist

## LEGAL BASIS - WE AVOID THE FLAWS IN OTHER ATTEMPTS TO MIMIC § 109



OmniQ isn't manipulating a loophole, it is abiding by all applicable law

# COPYRIGHT PROTECTION BASIS – FUTURE-PROOFING THE BALANCE



## OmniQ is more secure than a DVD:

- Rented DVDs can be ripped and returned. **Not with OmniQ.**
- Sold DVDs can be ripped and re-sold. **Not with OmniQ.**



## OmniQ reduces piracy

By offering easy and affordable access to movies that have already been distributed, the demand for illegal streams and downloads is reduced.



## OmniQ restores the copyright-owner / copy-owner relationship

Copyright-owners make the first sale. Owners of lawfully made copies get to pass those individual copies on to others, no questions asked.



## OmniQ protects against permi\$\$ions-ba\$ed models that exclude the poor

Millions depend on a used product economy for access to art and knowledge, but downloads are priced as “new,” while streaming requires more expensive broadband and multiple subscriptions, making them poor substitutes for the public benefits Section 109 used to offer the less privileged.

## POLICY BASIS - THE SAME PUBLIC POLICY AS THE FIRST SALE DOCTRINE



Owners of legal copies have an **absolute right to lend, sell, or trade.**



A century ago, Congress declared that it would be “**unwise**” for the **copyright owner to have “any control whatever” over the articles sold**, crafting the Copyright Act to ensure a robust and infinite dissemination of copies.



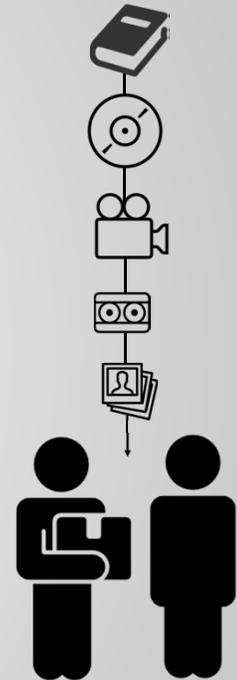
That public policy is frustrated when thousands of works reside on a single article, or are on articles approaching market obsolescence. Fortunately, **we can now move the work from one article to another without copying.**



In both the US and Canada, courts have already concluded that if you **transfer the fixation of a work from one material object another**, there is no infringement of the reproduction right.



**This is what OmniQ does**



**Prepared by John T. Mitchell  
On behalf of OmniQ  
for  
Section 1201 Triennial Rulemaking  
Class 3**

**April 11, 2018  
Washington, DC**

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