

Before  
The Copyright Office  
Library of Congress

In the Matter of )  
 )  
Exemption to Prohibition on ) Docket No. RM 2005-11  
Circumvention of Copyright Protection Systems )  
For Access Control Technologies )

**Reply Comments of Professor Peter Decherney, Professor Katherine Sender and Dean Michael Delli Carpini, of the University of Pennsylvania**

**I. Introduction**

Professors Peter Decherney, Katherine Sender and Dean Michael Delli Carpini of the University of Pennsylvania, submit these reply comments in response to the Office’s Notice of Inquiry for Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies (“Notice of Inquiry”). Our initial comment, comment number five, sought two exemptions for circumvention of technological access control measures, the first, for the purpose of creating video clip compilations for educational classroom use, and the second for preserving public access to works in the public domain. This reply comment supplements our initial comment by providing additional evidence and argument supporting the requested exemptions.

The first exemption requested in our comment was for “audiovisual works included in the educational library of a college or university’s film or media studies department and that are protected by technological measures that prevent their educational use.” As noted, this exemption is needed by film and media studies professors who wish to use digital video clip compilations in their media studies curriculum in order to effectively teach about the medium of film, its historical importance and to facilitate discussion and debate.

The second exemption requested in our comments was for “derivative and collective works which contain audiovisual works that are in the public domain and that are protected by technological measures that prevent their educational use.” Central to the copyright bargain is the limited duration of copyright protection, if works that have entered into the public domain are only available in formats protected by access controls, these works are effectively removed from the public domain.

## **II. Many Comments On the Record, As Well As Subsequent Communications, Raise Concerns Relating to Circumvention of CSS Encryption for Legitimate Uses of Digitized Audio-visual Works.**

The debate around the DMCA and the need for lawful circumvention by legitimate users, has increasingly been an important one to numerous individuals and organizations. Many comments filed in the initial rulemaking addressed these concerns. Since filing our initial comment, we have been contacted by many organizations and individuals who also share this concern and have noted their desire to support our requested exemptions.

Numerous comments filed in response to the 2006 Notice of Inquiry noted problems with access to audio-visual works protected by CSS. See E.g. Comments of Jonathan Band, Library Copyright Alliance and Music Library Association, 2006 (Comment 2)( requesting a class consisting of works only available on DVD, referring to difficulty of all educators in making video clip compilations, as well as other educational uses); Comment of Matthew Ford, 2006 (Comment 12)(Raising the concern that DVD access controls prevent fair use); Comment of Jim Konop, (2006 Comment 37)( Addressing the issue of otherwise public domain works, to which access is restricted on DVD).

In addition, several large and prestigious media studies professional organizations have contacted us noting the importance of lawful access to digitized audio-visual works to compile

DVD clips for media study. The Society for Cinema and Media Studies (“SCMS”) and the International Communications Association (“ICA”), leading organizations in the media studies field voiced their support for the proposed exemptions in our initial comment. These organizations represent college and university educators, filmmakers, historians, critics, and scholars all devoted to media studies and film production. The members of these professional groups note that the requested exemptions are vital to the quality of education in media studies available in the United States. In addition, the Annenberg School for Communication at the University of Pennsylvania agrees that the school’s media studies faculty and its pedagogy is hampered by the lack of ability to create digital video clip compilations for classroom use, without lawfully bypassing CSS. The Annenberg School’s educational program focuses on the study of media institutions, communication and contemporary culture, in the context of films. It is one of several universities that have expressed frustration with this technological obstacle to teaching. Since filing our initial comment, we have also been contacted by numerous individual media studies educators and professionals. Inspired to act by their own problems with CSS and educational use of digital works, a large number of these educators and professionals have joined together to note their support of our initial comment.<sup>1</sup>

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<sup>1</sup> Individuals contacting us included: Robert Cort, film producer; Professors: Timothy Corrigan, Karen Beckman, John Katz, Wendy Steiner, Peter Stallybrass, Josephine Park, Suvir Kaul, Catriona McCleod, and James F. English of the University of Pennsylvania; Professor Douglas Gomery of The University of Maryland; Professor Scott Saul of The University of California, Berkley; Professor John Belton of Rutgers University; Professor Jason Mittell of Middlebury College; Professor Raphael Cohen-Almagor of The University of Haifa; Professor Anna Everett of The University of California, Santa Barbara; Professor Ariel Rogers of The University of Chicago; Professor Reebee Garofalo of The University of Massachusetts Boston; Jeffrey I. Schwarzschild of The Law Office of Mark E. Merin; Professors Alison Trope and Holly Wilkin of The University of Southern California; Professor Dan Streibile of The University of South Carolina; Professor Jon Lewis of Oregon State University; Professor Oliver Gaycken of Temple University; Professor Patricia Aufderheide of American University; Professor Nitin Govil of The University of California San Diego; Professor Christopher Lucas of The University of Texas at Austin; Professor Cynthia Young of Boston College; Professors Barbara Biesecker and Kembrew McCleod of The University of Iowa; Professor Deanya Lattimore of Syracuse University; Professor Kathleen Fitzpatrick of Pomona and Claremont Colleges; Professor Bryan Taylor of The University of Colorado at Boulder; Professor Lailani Nishime of Sonoma State University; Professor Michele Janette of Kansas State University; Professor Mary Leonard of The University of Puerto Rico; and Professor Robert Walser of The University of California Los Angeles

In addition, the Electronic Frontier Foundation (“EFF”) has also noted their strong support for the importance of maintaining a balance between the interest of copyright owners and the interest of the public in access to copyrighted works through the exemptions requested in this rulemaking. The EFF has noted that the effect on the market for video on DVD has not been, and is likely to continue to not be, reduced by the ready and easy access to tools that circumventing DVD access controls by the general public. The EFF’s findings suggest that there would be little or no adverse harm to the creation and distribution of audio-visual works on DVD, if these exemptions were granted.

### **III. Analog Alternatives Are Inadequate Classroom Substitutes for Digital Video Clips Obtained by Circumventing CSS, Weakening Media Studies Pedagogy.**

In our initial comment, we stated generally that the alternatives to circumventing CSS to create digital video clip compilations for classroom use were inadequate, and unnecessarily hindered quality media studies education. In these reply comments, we are providing supplementary visual evidence for that argument. As noted in our initial filing, there are three primary alternatives to circumvention of CSS on DVDs that can be used to display compilations of video clips in the media studies classroom. These alternatives include (A) use of the “analog hole,” (B) compilation of analog VHS clips, and (C) using a camcorder to re-record the original (“screen capture”). Each of these alternative methods of video clip compilation has inadequacies which reduce the quality and effectiveness of an educational media studies classroom presentation. We hope to demonstrate the diminution in quality in the following still image comparisons.

In order to demonstrate this problem, we have prepared several side-by-side comparisons of stills from the 1917 Charlie Chaplin film, *The Immigrant*, a film of educational significance in

media studies circles, from the silent era, also referenced in our initial comment. The stills on the left, marked “DVD Original” are from a digital clip digitally copied directly from a DVD, by bypassing CSS, creating a perfect reproduction. Each figure shown is a screen grab (obtained by pressing the “prnt scrn” key), creating a perfect digital copy of what is shown on the computer’s screen. Each of these stills shows a video clip that has been paused. The stills were each taken from a different video file, each created by a different method of creating a digital video file, without bypassing the CSS encryption on DVDs. Without granting of the proposed exemptions, these are the only options left to media studies professors and educators, for to creating a video clip compilation for classroom use. While we have attempted below to demonstrate the loss in quality involved when using any of these circumvention alternatives, the loss of quality visible in a large projection in a classroom is much greater than is visible in these small, printed images.

#### A. The Analog Hole Alternative



DVD Original

Analog Hole

The analog hole still above was created by using the analog video output of a DVD player (RCA or Co-axial cable) to connect to a computer which digitizes that signal, creating a

digital video file which was paused in order to capture a still image. As can be seen, there is a significant loss in quality when transmitting a DVD quality video signal over analog cables. For example, quite visible is a loss in quality at the brim of Chaplin's hat, where the smooth curve is converted into a jagged line. In comparing the images above, one can clearly see that the use of the analog hole has also altered the aspect ratio of the film, widening the image, and distorting the impression of Chaplin as a starving immigrant, critical to an understanding of the film and to teaching it. Also apparent in the analog hole still is a reduction in contrast (both whites and blacks shifting into the middle of the spectrum, towards gray). In addition, one can see that the resolution is greatly reduced in conversion from digital to analog, because analog signals are dramatically lower in resolution than those of a DVD digital.

### B. The VHS Capture Alternative



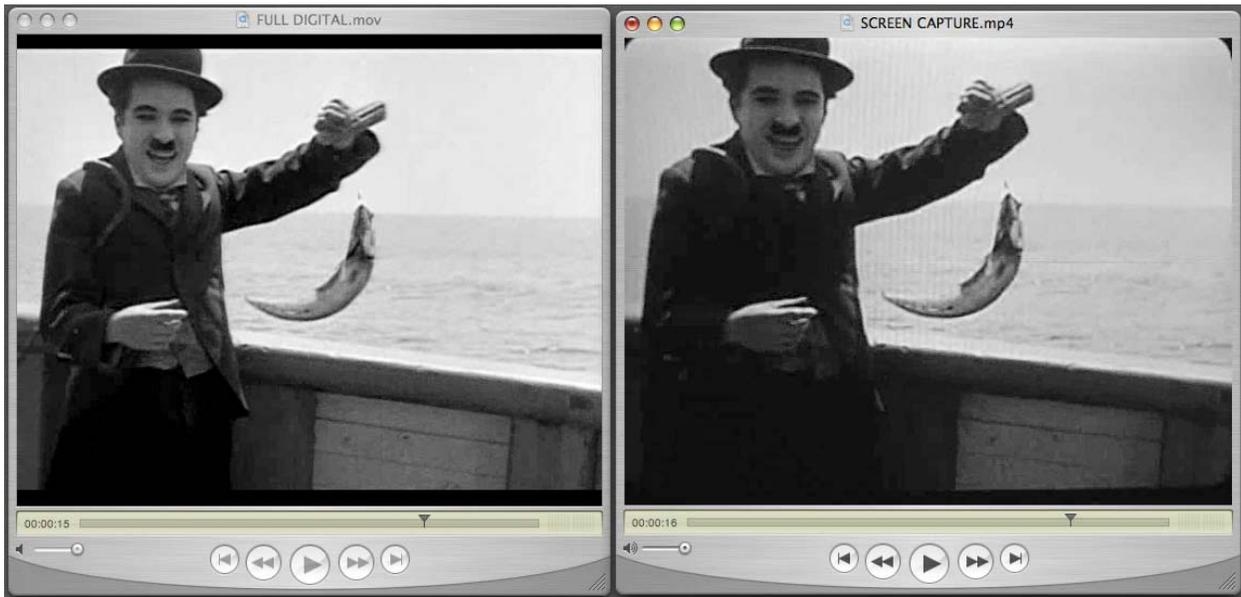
DVD Original

VHS Capture

The VHS capture still above was created by playing a VHS copy of the film and recording it on a computer over the analog output cables of the VCR, and then pausing that digitized version. In these two stills, one can see the extreme quality difference between DVD

and VHS. For example, the contrast ratio is so low in the VHS copy that the horizon line between the ocean and the sky virtually disappears and the ocean blends to a placid lake. In addition, here one can see a quite stirring example of the reduction in resolution, by focusing on the brim of Chaplin's hat. On the DVD the curve is smooth, while on the VHS, it is pixilated and jagged. Also quite visible is the distortion at the edge of the frame of the VHS.

### C. The Screen Capture Alternative



DVD Original

Screen Capture

The screen capture still above was created by using a digital camcorder to record the original DVD playing on a screen, and then transferring that recording to a computer, and pausing it to take a still. The quality loss from using the screen capture method is instantly obvious. For example, the screen capture method results in a significant loss of contrast that is visible across the frame. The resolution of detail is also lost, which can be seen by focusing on the crests of the waves, and in the knots in the wood of the ship. The screen capture method also introduced distorting vertical banding to the video. Once again, the brim of Chaplin's hat best exemplifies the loss in quality.

#### **IV. Analog Substitutes to DVDs, Such As VHS and 16mm Formats, Are Increasingly Unavailable**

In order to illustrate the increasing prices and unavailability of VHS tapes and 16mm films, we conducted an analysis based on 200 films on the National Film Preservation Registry. See Availability Analysis of 200 Films on the National Film Preservation Registry, Appendix A. Each year the Library of Congress names 25 “culturally, historically, and aesthetically” significant films to the Registry. We analyzed the comparative availability of these legacy formats versus DVDs. Films in the 16mm format are not readily available for purchase, and sparingly available for rental at very expensive rates. Since 16mm films are not available for use, they are not a viable alternative to DVDs for educational uses. VHS videos are an aging analog format that is undergoing the same reduction of availability as 16mm films. As DVDs are more readily available than VHS videos, the newer technology is steadily creating a depletion of films on VHS formats. DVDs have rapidly supplanted VHS as the choice of consumers. The combination of factors such as consumer preference and readily cheaper production rates of DVDs may make the VHS videotape, a medium that was popular for more than 25 years, virtually obsolete. Our research found that of 200 films on the National Film Preservation list we researched, 63% of the films are available on DVD format compared to only 36% in VHS format and only 2% in 16mm format. See Id. This trend demonstrates that both VHS and 16mm are not viable substitutes for DVDs for educational purposes.

#### **V. When Determining Classes of Work for This Exemption, the Copyright Office Should Consider Use As a Characteristic of the Class, in Order to Comport With Congressional Intent.**

As we described in our initial comment, an issue of continuing concern in this rulemaking is the interpretation given to the statutory language of a “class of copyrighted works.” In the past, the interpretation given to “class of copyrighted works” has been too narrow, disregarding use-related aspects of a work as factors in defining a class. Although this issue was addressed briefly in our initial comment, and in those of others<sup>2</sup>, we feel that an issue of such importance, which bears on the future of the fair use doctrine, must be fully addressed.

We focus here on the words of the House Committee on Commerce, which introduced the specific provision for this rulemaking in the DMCA bill, including the wording “class of copyrighted works,” which did not change in any subsequent iterations of the bill. When the House Committee on Commerce amended the text of the DMCA with the provision for this rulemaking, the Committee described this rulemaking as a “fail-safe” that was required to counter “the threat of a diminution of otherwise lawful access to works and information.” H.R. Rep. No. 105-551 at 36 (1998). The stated purpose of this rulemaking is to preserve legal access to copyrighted works, in particular, fair use of the works. “The Committee considers it particularly important to ensure that the concept of fair use remains firmly established in the law.” *Id.* at 26. To continue to interpret the “class of copyrighted works” language to require definition based solely upon characteristics of the work while disregarding the lawful use as a factor in defining the class is disregarding Congress’s intent for this rulemaking. The Committee explained the reasoning for some of the language, and for the exemption rulemaking itself. “The Committee intends that the ‘particular class of copyrighted works’ be a narrow and focused subset of the broad categories of works of authorship than is identified in Section 102 of the Copyright Act (17 U.S.C. § 102).” *Id.* at 38. While the Committee did state that the class of works should be a narrow subset of the Section 102 classes of work, it did not restrict the manner

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<sup>2</sup> See Comments of Jonathan Band, Library Copyright Alliance and Music Library Association, 2006 Comment 2.

in which those classes may be sub-divided, rather the Committee stated that this issue is one that should be resolved during this rulemaking proceedings. Id. In no reported legislative history, has Congress indicated that the intended, legitimate, use of a class of works may not be a factor in defining that class, yet the Copyright Office continues to interpret the mandate for this rulemaking as restricting this factor from the definition of a class of works. Legitimate, fair use of copyrighted works is a fundamental principle in the U.S. copyright system. See Eldred v. Ashcroft, 537 U.S. 186, 219-220 (noting that fair use serves as a First Amendment “safeguard” within the Copyright Act). It was the intent of Congress that this rulemaking process exist in order to preserve that principle. If this rulemaking fails to guarantee the continued legitimate exercise of fair use, it has failed its Congressional mandate.

Submitted on February 2, 2006 For:  
Peter Decherney  
Assistant Professor of Cinema Studies  
University of Pennsylvania  
Cinema Studies Program  
Fischer-Bennett Hall  
University of Pennsylvania  
Philadelphia, PA 19104  
And  
Michael Delli Carpini  
Professor and Dean  
Katherine Sender  
Assistant Professor  
Annenberg School for Communications  
University of Pennsylvania  
3620 Walnut Street  
Philadelphia, PA 19104

Submitted By:  
Daniel Rubin and Raquel Ronisky  
Student Attorneys  
Under the supervision of  
Peter Jaszi  
Victoria Philips  
Glushko-Samuelson Intellectual Property Law Clinic  
Washington College of Law, American University

4801 Massachusetts Ave. NW  
Washington DC 20016

Appendix A

# Availability Analysis of 200 Films on the National Film Preservation Register List

| Film Title and Year of Release                  | Current Price (in \$) |               |               |
|---|-----------------------|---------------|---------------|
|   | DVD                   | VHS           | 16mm          |
| 1) ABBOTT AND COSTELLO MEET FRANKENSTEIN (1948) | 24.98                 | Not Available | Not Available |
| 2) ADAM'S RIB (1949)                            | 19.98                 | 14.98         | Not Available |
| 3) THE ADVENTURES OF ROBIN HOOD (1938)          | 26.98                 | 14.98         | Not Available |
| 4) THE AFRICAN QUEEN (1951)                     | Not Available         | Not Available | Not Available |
| 5) ALIEN (1979)                                 | 12.99                 | Not Available | Not Available |
| 6) ALL ABOUT EVE (1950)                         | 14.98                 | 9.98          | Not Available |
| 7) ALL MY BABIES (1953)                         | Not Available         | Not Available | Not Available |
| 8) ALL QUIET ON THE WESTERN FRONT (1930)        | 14.98                 | 9.98          | Not Available |
| 9) ALL THAT HEAVEN ALLOWS (1955)                | 39.95                 | Not Available | Not Available |
| 10) ALL THAT JAZZ (1979)                        | 9.98                  | 9.98          | Not Available |
| 11) ALL THE KING'S MEN (1949)                   | 24.95                 | 19.98         | Not Available |
| 12) AMERICA, AMERICA (1963)                     | Not Available         | Not Available | Not Available |
| 13) AMERICAN GRAFFITI (1973)                    | 19.98                 | 9.98          | Not Available |
| 14) AN AMERICAN IN PARIS (1951)                 | 19.98                 | Not Available | Not Available |
| 15) ANNIE HALL (1977)                           | 14.94                 | Not Available | Not Available |
| 16) ANTONIA: A PORTRAIT OF THE WOMAN (1974)     | 24.98                 | Not Available | Not Available |
| 17) THE APARTMENT (1960)                        | 14.94                 | 14.95         | Not Available |
| 18) APOCALYPSE NOW (1979)                       | 29.98                 | Not Available | Not Available |
| 19) ATLANTIC CITY (1980)                        | 14.98                 | 14.95         | Not Available |
| 20) THE AWFUL TRUTH (1937)                      | 24.95                 | 19.95         | Not Available |

|   |               |               |               |
|---|---------------|---------------|---------------|
| 21) BABY FACE (1933)                    | Not Available | Not Available | Not Available |
| 22) THE BAD AND THE BEAUTIFUL (1952)    | 19.98         | 14.98         | Not Available |
| 23) BADLANDS (1973)                     | 19.98         | Not Available | Not Available |
| 24) THE BAND WAGON (1953)               | 26.98         | 14.95         | Not Available |
| 25) THE BANK DICK (1940)                | Not Available | 14.98         | Not Available |
| 26) THE BATTLE OF SAN PIETRO (1945)     | 19.95         | 19.95         | Not Available |
| 27) BEAUTY AND THE BEAST (1991)         | Not Available | Not Available | Not Available |
| 28) BEN-HUR (1926)                      | Not Available | Not Available | Not Available |
| 29) BEN-HUR (1959)                      | 19.96         | Not Available | Not Available |
| 30) THE BEST YEARS OF OUR LIVES (1946)  | 14.94         | 14.98         | Not Available |
| 31) BIG BUSINESS (1929)                 | Not Available | 9.98          | Not Available |
| 32) THE BIG PARADE (1925)               | Not Available | Not Available | Not Available |
| 33) THE BIG SLEEP (1946)                | 19.97         | Not Available | Not Available |
| 34) THE BIRTH OF A NATION (1915)        | 19.99         | Not Available | Not Available |
| 35) THE BLACK PIRATE (1926)             | 29.95         | 24.95         | Not Available |
| 36) THE BLACK STALLION (1979)           | 14.94         | 9.94          | Not Available |
| 37) BLACKSMITH SCENE (1893)             | Not Available | Not Available | Not Available |
| 38) BLADE RUNNER (1982)                 | 14.96         | Not Available | Not Available |
| 39) THE BLOOD OF JESUS (1941)           | 19.95         | Not Available | Not Available |
| 40) THE BLUE BIRD (1918)                | 29.95         | 24.95         | Not Available |
| 41) BONNIE AND CLYDE (1967)             | 14.98         | Not Available | Not Available |
| 42) BOYZ N THE HOOD (1991)              | 19.98         | 14.95         | Not Available |
| 43) BRIDE OF FRANKENSTEIN (1935)        | Not Available | Not Available | Not Available |
| 44) THE BRIDGE ON THE RIVER KWAI (1957) | 24.95         | Not Available | Not Available |
| 45) BRINGING UP BABY (1938)             | 26.98         | Not Available | Not Available |

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|--|---------------|---------------|---------------|
| 46) BROKEN BLOSSOMS (1919)   | 29.98         | 39.98         | Not Available |
| 47) A BRONX MORNING (1931)   | 79.95         | Not Available | Not Available |
| 48) THE BUFFALO CREEK FLOOD: AN ACT OF MAN (1975)                        | Not Available | Not Available | Not Available |
| 49) BUTCH CASSIDY AND THE SUNDANCE KID (1969)                            | Not Available | Not Available | Not Available |
| 50) CABARET (1972)   | 19.98         | 19.98         | Not Available |
| 51) THE CAMERAMAN (1928)   | Not Available | Not Available | Not Available |
| 52) CARMEN JONES (1954)  | 9.98          | 9.98          | Not Available |
| 53) CASABLANCA (1942)  | 19.98         | Not Available | Not Available |
| 54) THEODORE CASE SOUND TEST: GUS VISSER AND HIS SINGING DUCK (1925)     | Not Available | Not Available | Not Available |
| 55) CASTRO STREET (1966)   | Not Available | Not Available | Not Available |
| 56) CAT PEOPLE (1942)  | 19.98         | 14.95         | Not Available |
| 57) CHAN IS MISSING (1982)   | 29.98         | Not Available | Not Available |
| 58) THE CHEAT (1915)   | 29.99         | 14.95         | 450           |
| 59) THE CHECHAHCOS (1924)  | Not Available | Not Available | Not Available |
| 60) CHINATOWN (1974)   | 12.98         | 14.95         | Not Available |
| 61) CHULAS FRONTERAS (1976)  | Not Available | Not Available | Not Available |
| 62) CITIZEN KANE (1941)  | 26.98         | Not Available | 35mm MoMA     |
| 63) CITY, THE (1939)   | Not Available | Not Available | Not Available |
| 64) CITY LIGHTS (1931)   | 29.98         | Not Available | Not Available |
| 65) CIVILIZATION (1916)  | Not Available | Not Available | 475           |
| 66) CLASH OF THE WOLVES (1925)   | 79.95         | Not Available | Not Available |
| 67) COLOGNE: FROM THE DIARY OF RAY AND ESTHER (1939)                     | Not Available | Not Available | Not Available |
| 68) COMMANDMENT KEEPER CHURCH, BEAUFORT, SOUTH CAROLINA, MAY 1940 (1940) | Not Available | Not Available | Not Available |
| 69) THE CONVERSATION (1974)  | 14.98         | 14.95         | 35mm MoMA     |

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|---|---------------|---------------|---------------|
| 70) COOL HAND LUKE (1967)   | 12.98         | 9.98          | Not Available |
| 71) COPS (1922)   | Not Available | Not Available | Not Available |
| 72) A CORNER IN WHEAT (1909)  | Not Available | 24.95         | Not Available |
| 73) THE COOL WORLD (1963)   | Not Available | Not Available | Not Available |
| 74) THE COURT JESTER (1956)   | 14.98         | 9.95          | Not Available |
| 75) THE CROWD (1928)  | Not Available | 29.98         | Not Available |
| 76) CZECHOSLOVAKIA 1968 (1968)  | Not Available | Not Available | Not Available |
| 77) D.O.A. (1950)   | 19.99         | Not Available | Not Available |
| 78) DAUGHTERS OF THE DUST (1991)  | 34.95         | 24.95         | Not Available |
| 79) DAVID HOLZMAN'S DIARY (1968)  | Not Available | Not Available | Not Available |
| 80) THE DAY THE EARTH STOOD STILL (1951)                                      | 14.98         | 9.98          | Not Available |
| 81) DEAD BIRDS (1964)   | Not Available | Not Available | Not Available |
| 82) THE DEER HUNTER (1978)  | 26.98         | Not Available | Not Available |
| 83) DESTROY RIDES AGAIN (1939)  | 14.98         | Not Available | Not Available |
| 84) DETOUR (1946)   | 9.98          | Not Available | Not Available |
| 85) DICKSON EXPERIMENTAL SOUND FILM (1894-5)                                  | Not Available | Not Available | Not Available |
| 86) DO THE RIGHT THING (1989)   | 39.99         | Not Available | Not Available |
| 87) THE DOCKS OF NEW YORK (1928)  | Not Available | Not Available | Not Available |
| 88) DODSWORTH (1936)  | 14.99         | Not Available | Not Available |
| 89) DOG STAR MAN (1964)   | 39.95         | Not Available | Not Available |
| 90) DON'T LOOK BACK (1967)  | 24.95         | Not Available | Not Available |
| 91) DOUBLE INDEMNITY (1944)   | Not Available | Not Available | Not Available |
| 92) DR. STRANGELOVE (HOW I LEARNED TO STOP WORRYING AND LOVE THE BOMB) (1964) | 19.94         | Not Available | Not Available |

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|--|---------------|---------------|---------------|
| 93) DRACULA (1931)                       | 26.98         | Not Available | Not Available |
| 94) DUCK AMUCK (1953)                    | Not Available | Not Available | Not Available |
| 95) DUCK AND COVER (1951)                | Not Available | Not Available | Not Available |
| 96) DUCK SOUP (1933)                     | Not Available | 14.98         | 35mm MoMA     |
| 97) E.T. THE EXTRA-TERRESTRIAL (1982)    | 19.98         | Not Available | Not Available |
| 98) EASY RIDER (1969)                    | 14.94         | Not Available | Not Available |
| 99) EAUX D'ARTIFICE (1953)               | Not Available | Not Available | Not Available |
| 100) EL NORTE (1983)                     | Not Available | Not Available | Not Available |
| 101) THE EMPEROR JONES (1933)            | 19.99         | 19.98         | Not Available |
| 102) EMPIRE (1964)                       | Not Available | Not Available | 16mm MoMA     |
| 103) THE ENDLESS SUMMER (1966)           | 14.99         | 14.98         | Not Available |
| 104) ENTER THE DRAGON (1973)             | 12.98         | Not Available | Not Available |
| 105) ERASERHEAD (1978)                   | 29.95         | Not Available | Not Available |
| 106) EVIDENCE OF THE FILM (1913)         | Not Available | Not Available | Not Available |
| 107) THE EXPLOITS OF ELAINE (1914)       | Not Available | Not Available | Not Available |
| 108) FALL OF THE HOUSE OF USHER (1928)   | 24.99         | Not Available | Not Available |
| 109) FANTASIA (1940)                     | Not Available | Not Available | Not Available |
| 110) FAST TIMES AT RIDGEMONT HIGH (1982) | 14.98         | Not Available | Not Available |
| 111) FATTY'S TINTYPE TANGLE (1915)       | Not Available | Not Available | Not Available |
| 112) FILM PORTRAIT (1970)                | Not Available | Not Available | Not Available |
| 113) FIVE EASY PIECES (1970)             | 14.94         | 9.98          | Not Available |
| 114) FLASH GORDON serial (1936)          | 39.99         | 39.95         | Not Available |
| 115) FOOTLIGHT PARADE (1933)             | Not Available | Not Available | Not Available |
| 116) FORCE OF EVIL (1948)                | 14.98         | 9.98          | Not Available |
| 117) THE FORGOTTEN FRONTIER (1931)       | Not Available | Not Available | Not Available |

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|---|---------------|---------------|---------------|
| 118) 42ND STREET (1933)                                 | 19.98         | 14.95         | Not Available |
| 119) THE FOUR HORSEMEN OF THE APOCALYPSE (1921)         | Not Available | Not Available | Not Available |
| 120) FOX MOVIE TONE NEWS: JENKINS ORPHANAGE BAND (1928) | Not Available | Not Available | Not Available |
| 121) FRANK FILM (1973)                                  | Not Available | 50            | Not Available |
| 122) FRANKENSTEIN (1931)                                | 26.98         | Not Available | Not Available |
| 123) FREAKS (1932)                                      | 19.98         | 19.98         | Not Available |
| 124) THE FRENCH CONNECTION (1971)                       | 19.98         | Not Available | Not Available |
| 125) THE FRESHMAN (1925)                                | Not Available | Not Available | Not Available |
| 126) FROM HERE TO ETERNITY (1953)                       | 19.94         | Not Available | Not Available |
| 127) FROM STUMP TO SHIP (1930)                          | 19.95         | Not Available | Not Available |
| 128) FROM THE MANGER TO THE CROSS (1912)                | 24.99         | 28.95         | Not Available |
| 129) FUJI (1974)  | Not Available | Not Available | Not Available |
| 130) FURY (1936)  | 19.98         | 19.98         | Not Available |
| 131) GARLIC IS AS GOOD AS TEN MOTHERS (1980)            | Not Available | Not Available | Not Available |
| 132) THE GENERAL (1927)                                 | 24.99         | Not Available | Not Available |
| 133) GERALD MCBOING BOING (1951)                        | Not Available | 14.95         | Not Available |
| 134) GERTIE THE DINOSAUR (1914)                         | Not Available | Not Available | Not Available |
| 135) GIANT (1956)                                       | 26.98         | 14.98         | Not Available |
| 136) GIGI (1958)  | 19.98         | Not Available | Not Available |
| 137) THE GODFATHER (1972)                               | 19.99         | Not Available | Not Available |
| 138) THE GODFATHER, PART II (1974)                      | 19.99         | 14.95         | Not Available |
| 139) GOING MY WAY (1944)                                | 14.98         | Not Available | Not Available |
| 140) GOLD DIGGERS OF 1933 (1933)                        | Not Available | Not Available | Not Available |
| 141) THE GOLD RUSH (1925)                               | 29.98         | Not Available | Not Available |
| 142) GONE WITH THE WIND (1939)                          | 19.98         | Not Available | Not Available |

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|--|---------------|---------------|---------------|
| 143) GOODFELLAS (1990)                           | 19.98         | Not Available | Not Available |
| 144) THE GRADUATE (1967)                         | 14.94         | 19.98         | Not Available |
| 145) THE GRAPES OF WRATH (1940)                  | 14.98         | 9.98          | Not Available |
| 146) GRASS (1925)                                | Not Available | Not Available | Not Available |
| 147) THE GREAT DICTATOR (1940)                   | 29.98         | Not Available | Not Available |
| 148) THE GREAT TRAIN ROBBERY (1903)              | 19.99         | Not Available | Not Available |
| 149) GREED (1924)                                | Not Available | Not Available | Not Available |
| 150) GUN CRAZY (1949)                            | 19.49         | 19.98         | Not Available |
| 151) GUNGA DIN (1939)                            | 19.98         | 14.98         | Not Available |
| 152) H2O (1929)                                  | Not Available | Not Available | Not Available |
| 153) HANDS UP (1926)                             | Not Available | Not Available | Not Available |
| 154) HARLAN COUNTY, U.S.A. (1976)                | Not Available | Not Available | Not Available |
| 155) HAROLD AND MAUDE (1972)                     | 14.98         | 9.95          | Not Available |
| 156) THE HEIRESS (1949)                          | Not Available | Not Available | Not Available |
| 157) HELL'S HINGES (1916)                        | Not Available | Not Available | Not Available |
| 158) HINDENBURG DISASTER NEWSREEL FOOTAGE (1937) | Not Available | Not Available | Not Available |
| 159) HIGH SCHOOL (1968)                          | Not Available | Not Available | Not Available |
| 160) HIGH NOON (1952)                            | 14.98         | 14.98         | Not Available |
| 161) HIS GIRL FRIDAY (1940)                      | 24.95         | Not Available | Not Available |
| 162) HITCH-HIKER, THE (1953)                     | 29.95         | 19.95         | Not Available |
| 163) HOOP DREAMS (1994)                          | 29.95         | 19.98         | Not Available |
| 164) HOOSIERS (1986)                             | 14.94         | 9.98          | Not Available |
| 165) HOSPITAL (1970)                             | Not Available | Not Available | Not Available |
| 166) THE HOSPITAL (1971)                         | 14.95         | 14.95         | Not Available |
| 167) THE HOUSE IN THE MIDDLE (1954)              | Not Available | Not Available | Not Available |

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| 168) HOUSE OF USHER (1960)   | 14.94         | Not Available | Not Available |
| 169) HOW GREEN WAS MY VALLEY (1941)  | 14.98         | 9.98          | Not Available |
| 170) HOW THE WEST WAS WON (1962)   | 14.98         | 24.98         | Not Available |
| 171) THE HUNTERS [KALAHARI DESERT TRIBE ANTHROPOLOGICAL FILM] (1957)           | Not Available | Not Available | Not Available |
| 172) THE HUSTLER (1961)  | 12.99         | 6.98          | Not Available |
| 173) I AM A FUGITIVE FROM A CHAIN GANG (1932)                                  | 19.98         | 19.98         | Not Available |
| 174) IMITATION OF LIFE (1934)  | 19.98         | 9.98          | Not Available |
| 175) IMMIGRANT, THE (1917)   | 7.99          | Not Available | Not Available |
| 176) IN THE HEAT OF THE NIGHT (1967)   | 14.94         | 14.98         | Not Available |
| 177) IN THE LAND OF THE HEAD HUNTERS (1914), aka IN THE LAND OF THE WAR CANOES | 29.99         | Not Available | Not Available |
| 178) INTOLERANCE (1916)  | 29.95         | Not Available | 1100          |
| 179) INVASION OF THE BODY SNATCHERS (1956)                                     | 14.94         | 14.95         | Not Available |
| 180) IT (1927)   | Not Available | Not Available | Not Available |
| 181) IT HAPPENED ONE NIGHT (1934)  | 24.95         | 19.98         | Not Available |
| 182) IT'S A WONDERFUL LIFE (1946)  | 19.98         | Not Available | Not Available |
| 183) THE ITALIAN (1915)  | Not Available | Not Available | Not Available |
| 184) JAILHOUSE ROCK (1957)   | 14.98         | 14.95         | Not Available |
| 185) JAM SESSION (1942)  | Not Available | Not Available | Not Available |
| 186) JAMMIN' THE BLUES (1944)  | 15.99         | Not Available | Not Available |
| 187) JAWS (1975)   | 19.98         | Not Available | Not Available |
| 188) JAZZ ON A SUMMER'S DAY (1959)   | 29.95         | 19.95         | Not Available |
| 189) THE JAZZ SINGER (1927)  | 19.98         | 14.95         | Not Available |
| 190) JEFFRIES-JOHNSON WORLD'S CHAMPIONSHIP BOXING CONTEST (1910)               | Not Available | Not Available | Not Available |

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| 191) KANNAPOLIS, NC (1941)                                | Not Available | Not Available | Not Available |
| 192) KILLER OF SHEEP (1977)                               | Not Available | Not Available | Not Available |
| 193) KING: A FILMED RECORD...MONTGOMERY TO MEMPHIS (1970) | Not Available | Not Available | Not Available |
| 194) KING KONG (1933)                                     | 26.98         | Not Available | Not Available |
| 195) THE KISS (1896)                                      | Not Available | Not Available | Not Available |
| 196) KISS ME DEADLY (1955)                                | 14.95         | 14.95         | Not Available |
| 197) KNUTE ROCKNE, ALL AMERICAN(1940)                     | Not Available | Not Available | Not Available |
| 198) KOYAANISQATSI (1983)                                 | 14.94         | 14.95         | Not Available |
| 199) THE LADY EVE (1941)                                  | 39.95         | 14.95         | Not Available |
| 200) LADY HELEN'S ESCAPADE (1909)                         | Not Available | Not Available | Not Available |
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**KEY:**  
Not available = For the purposes of this survey, availability only equates to versions that are available new from distributors, and not used from private resellers such as eBay.

or that 16mm films are not available for rent from one of the 5 domestic distributors checked

Distributors = Amazon (U.S.), www.festfilms.com, www.moviegoldmine.com, MoMA film catalogue, and www.facets.org.