

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

Re: Docket No. RM 2011-7
Exemptions to Prohibition on Circumvention of Technological Measures that Control
Access to Copyrighted Works
Proposed Classes 7 and 8

I do **not** believe that the use of screen-capture technology violates 17 U.S.C. § 1201(a)(1)(A). The reasoning behind this is that tools such as Camtasia or Jing may simply be understood as recording a video playback **in real time** whereas true circumvention implies that the data from the disc medium (DVD or Blu-Ray) was actually copied (in *less* than real time).

I would also like to take issue with the contention that these screen-capture technologies offer “potentially viable alternatives to circumvention” To make the statement that screen-capture tools “diminish or remove the need for several of the requested exemptions” seems to imply that the decision-making body of this particular ruling has already assumed the viewpoint of the *opponents* to circumvention.

I would argue that offering a plethora of real and untested alternatives to circumvention is actually a strategy used by opponents to obfuscate the original arguments of proponents of educational circumvention. Unfortunately, I do not believe these opponents genuinely desire to aid educators in offering alternative to circumvention; if they did, they would offer a tool that allows educators to maximize their professional time by allowing capture in *less* than real time.

Thank you,

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