

**Long Comment Regarding a Proposed Exemption
Under 17 U.S.C. 1201
(Proposed Class #1)**

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Item 1. Commenter Information

This Comment is submitted on behalf of Entertainment Software Association; Motion Picture Association of America, Inc.; and Recording Industry Association of America (collectively the “Joint Creators and Copyright Owners”). The Joint Creators and Copyright Owners may be contacted through their counsel, Steven J. Metalitz, J. Matthew Williams and Naomi Straus, Mitchell Silberberg & Knupp LLP, 1818 N St., NW, 8th Fl., Washington, D.C., 20036, Telephone (202) 355-7900.

The Joint Creators and Copyright Owners are trade associations representing some of the most creative and innovative companies in the United States.

The Entertainment Software Association (“ESA”) represents all of the major platform providers and nearly all of the major video game publishers in the United States. ESA is the U.S. association exclusively dedicated to serving the business and public affairs needs of companies that publish computer and video games for video game consoles, handheld devices, personal computers, and the Internet. ESA offers a range of services to interactive entertainment software publishers, including but not limited to: a global content protection program; business and consumer research; government relations; and intellectual property protection efforts.

The Motion Picture Association of America, Inc. (“MPAA”) is the voice of one of the country’s strongest and most vibrant industries – the American motion picture, home video and television industry. MPAA works to advance the business and the art of filmmaking and to celebrate its enjoyment around the world. MPAA members include: Walt Disney Studios Motion Pictures; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Twentieth Century Fox Film Corporation; Universal City Studios LLC; and Warner Bros. Entertainment Inc.

The Recording Industry Association of America (“RIAA”) is the trade organization that supports and promotes the creative and financial vitality of the major music companies. Its members comprise the most vibrant record industry in the world. RIAA members create, manufacture and/or distribute approximately 85% of all legitimate recorded music produced and sold in the United States. In support of its mission, the RIAA works to protect the intellectual property and First Amendment rights of artists and music labels; conduct consumer, industry and technical research; and monitor and review state and federal laws, regulations and policies.

Item 2. Proposed Class Addressed

Proposed Class 1: Audiovisual Works—Educational Uses—Colleges and Universities.

The December 12, 2014 Notice of Proposed Rulemaking (“NPRM”) described this proposed class as allowing “college and university faculty and students to circumvent access controls on lawfully made and acquired motion pictures and other audiovisual works for purposes of criticism and comment.” 79 Fed. Reg. 73,856, 73,860 (Dec. 12, 2014). This proposed, expanded exemption would be for “audiovisual material made available in all formats, including DVDs protected by the Content Scramble System (“CSS”), Blu-ray discs protected by the Advanced Access Content System (“AACS”), and TPM-protected online distribution services.” *Id.* Proponents Peter Decherney, Michael X. Delli Carpini, American Association of University Professors, College Art Association, International Communication Association, Library Copyright Alliance, and Society for Cinema and Media Studies (“Joint Academics”) submitted the only long-form comment with evidence supporting this exemption.

Item 3. Overview

While the Joint Creators and Copyright Owners would not oppose a renewal of the educational exemptions for universities and colleges granted in the last proceeding, the much broader proposed exemption as stated in the NPRM and in the Joint Academics’ comments should be rejected. The tailored exemption granted in the last proceeding was appropriately limited to (1) short portions of motion pictures; (2) on DVDs protected by CSS or digital copies acquired via online distribution services; (3) for the purpose of criticism or comment “for educational purposes in film studies or other courses requiring close analysis of film and media excerpts, by college and university faculty, [and] college and university students.” 37 C.F.R. § 201.40(b)(4)(iv) and (5)(iv).¹

The main focus of this proceeding, bearing in mind the benefits of access controls, is to identify any particular class of works for which the prohibition on circumventing access controls has diminished in a substantial manner the ability to make noninfringing uses. Proponents of each exemption bear the burden of demonstrating such diminution for a defined class, and showing that it outweighs the need for continuing the prohibitions set forth by the statute. *See* Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies; Notice of Inquiry and Request for Petitions, 79 Fed. Reg. 55,687, 55,689 (Sept.

¹ The Joint Creators and Copyright Owners note that in the prior rulemaking an exemption was granted where “circumvention, if any, is undertaken using screen capture technology that is reasonably represented and offered to the public as enabling the reproduction of motion picture content after such content has been lawfully decrypted,” for short portions of motion pictures used for the purpose of criticism or comment for educational purposes by college and university faculty and college and university students. 37 C.F.R. § 201.40(b)(6)(i)(D) and (7)(i)(D). This exemption was not limited to close analysis of films or media. There is no request in this proceeding for a screen capture exemption.

17, 2014) (“2014 NOI”).² The Joint Academics have failed to satisfy their burden to show that the broad exemptions requested are warranted. In particular, as was the case in the past proceeding, proponents have not demonstrated a substantial adverse impact due to the inability to circumvent AACS on protected Blu-ray Discs. *See* Recommendation of the Register of Copyrights, Section 1201 Rulemaking: Fifth Triennial Proceeding, at 135 (Oct. 12, 2012) (“2012 Recommendation”).³ Nor have they identified significant uses of audiovisual materials other than motion pictures, as defined in 17 U.S.C. § 101. Finally, there is no evidence in the record of a need to circumvent access controls to copy motion pictures in high-quality formats in any course other than film studies or other courses requiring close analysis of film and media excerpts.

Item 4. Technological Protection Measure(s) and Method(s) of Circumvention

The CSS technology used to protect DVDs, the AACS technology used to protect Blu-ray Discs, and many of the assorted technologies used to protect motion pictures available from online distribution and streaming services are TPMs that effectively control access to copyrighted works.⁴

As discussed further below, these access controls have increased the availability of works and have allowed for a vast proliferation of platforms on which consumers can enjoy authorized access to an increasing variety of content. It is easier than ever to access a broad selection of films and television shows, and on many different devices. The confidence afforded by the security of TPMs, and the flexibility in business models that such TPMs enable, are essential marketplace pillars which have led creators of motion pictures to expand their streaming and downloading options and to experiment with a broad range of business models to increase access to their works, such that some films can now be purchased and digitally downloaded before they are made available on physical discs.

² The burden of coming forward with evidence in support of the proposed exemption, as well as the burden of persuasion that the exemption should be recognized on the narrow grounds authorized by the statute, must always remain with the proponent of an exemption. 2014 NOI at 55,689. This burden applies to both factual and legal issues. It also applies without regard to how closely (or not) a proposed exemption resembles one granted in the previous rulemaking cycle.

³ All cited materials from previous rulemaking cycles can be accessed via the Copyright Office website at <http://www.copyright.gov/1201/> under “Past Proceedings.”

⁴ The Joint Academics have claimed that aspects of some streaming platforms block the connection of certain cords and peripherals, including VGA connectors, preventing a professor from using a projector to display streaming content that was lawfully obtained on a tablet or laptop. Joint Academics’ Class 1 Comment at 17, 20. However, they have not established that access controls are intentionally being used to block access to works on projectors.

Item 5. Asserted Noninfringing Use(s)

Proponents seek an exemption to circumvent access controls for purposes of criticism and comment in higher-education settings. Certainly, many classroom uses of short clips, particularly by professors teaching film or media studies courses, would likely constitute fair uses. However, it is not the case that any use of a motion picture in a classroom or educational setting is necessarily fair simply because it is in an educational setting. Rather, the four statutory factors must be fully evaluated in view of the facts of any particular use.⁵

Also, it should be clear that the exemption granted, if any, is only for purposes of criticism or commentary related to close analysis of motion pictures. This limitation, included in the current exemption, tailors the exemption to cover a category of uses that are very likely to be fair use. This is particularly important when considering the exemption as applied to students, rather than professors or faculty, as students may be tempted to “interpret” the exemption as applying generally to their media use, rather than limited to when necessary for criticism or comment of the work they are using. With an estimated 21 million college and university students in the United States in 2015,⁶ mistakes or misuse of the exemption by students would have far-reaching consequences for copyright owners.

There is no basis for a broad exemption from Digital Millennium Copyright Act (“DMCA”) requirements simply based on one’s status as a student. The film course described by Stephanie Brown in the Joint Academics’ comment asked students to perform a “random clip analysis,” in which the film students made “inference, analysis, or argument based on the varying frames captured.” Joint Academics’ Class 1 Comment at 15-16. This assignment seemingly requires commentary or criticism on the work itself, and would likely be fair use of the underlying copyrighted material. On the other hand, the Joint Academics’ argument for allowing circumvention by all college and university students, across all disciplines, is not supported by any concrete evidence that these uses are necessarily noninfringing. The Joint Academics state, without any documentary support, that “manipulating content and incorporating media into presentations is an important skill for all students, regardless of subject matter.” *Id.* at 9. Simply manipulating content and incorporating media into presentations does not necessarily include commentary or criticism of the work, and is not clearly fair use. An exemption is not warranted for these broad purposes.

Even though the current exemptions are limited, it appears from the Joint Academics’ comments that educators have been circumventing TPMs even when not authorized by the exemptions. This highlights the need for clear definitions and limitations in any recommended

⁵ See *Princeton Univ. Press v. Mich. Document Servs.*, 99 F.3d 1381, 1385 (6th Cir. 1996) (“[W]hether a use referred to in the first sentence of Section 107 is a fair use in a particular case . . . depends upon the application of the determinative factors.”).

⁶ See National Center For Education Statistics, “Enrollment in educational institutions, by level and control of institution, enrollment level, and attendance status and sex of student: Selected years, fall 1990 through fall 2023,”

http://nces.ed.gov/programs/digest/d13/tables/dt13_105.20.asp, Exhibit 1 attached hereto.

exemption. For example, Dr. David Wallace claims to use the exemption to show both film clips and “longer extracts from films” set in medieval times in his courses on Medieval literature and culture. Joint Academics’ Class 1 Comment at 8. These are not film or media studies courses requiring close analysis of the clips themselves, but rather English classes. The fact that Dr. Wallace believes it “would be harder to keep the attention of students if they had to focus only on medieval texts” because “visual is their native medium,” *id.* at 9, does not make this use fit into the current exemption—nor does it support granting a broad exemption to cover this use, as clips obtained without circumventing TPMs would suffice to “keep the attention of students.” The Joint Academics have not demonstrated that circumvention is necessary in general college classes beyond those requiring close analysis of the media. While “educational uses that depend upon close analysis of film or media images may be adversely impacted if students are unable to apprehend the subtle detail or emotional impact of the images they are analyzing . . . where precise detail is not required for the particular use in question – for example, where a clip is presented simply to illustrate a historical event – lower-quality screen capture images may be fully adequate to fulfill the noninfringing use.” 2012 Recommendation at 134.⁷

Regarding the Copyright Office’s question from the NPRM regarding expansion of the exemption to cover all audiovisual works and not only motion pictures, the Joint Academics have not identified any need for such an expansion. They mention only that videogames could be used in the classroom, giving as their only example that one professor asks his students to play a videogame after learning about Freud, and to analyze the game like a dream. Joint Academics’ Class 1 Comment at 11. Playing and analyzing a videogame does not require circumvention of any TPM. Since this educational use of the game can be made without circumvention, there is no basis to expand the exemption beyond “motion pictures.”

Item 6. Asserted Adverse Effects

Existing exemptions already allow educators and college and university students in courses requiring close analysis to (i) circumvent access controls used in connection with DVDs and online sources for motion pictures and (ii) use screen capture technologies to reproduce and manipulate moving images. 37 C.F.R. § 201.40(b)(4)-(7). The Joint Academics have not demonstrated that access controls are causing substantial adverse effects on non-infringing uses beyond those already addressed by the existing exemptions. Instead, they argue that circumvention is required of Blu-ray Discs and in classes beyond those that focus on media analysis because students have become accustomed to viewing media in high definition. *See* Joint Academics’ Class 1 Comment at 10.⁸ However, as the Register has concluded in the past,

⁷ While there is no request in this proceeding for a screen capture exemption, the Joint Creators and Copyright Owners do not oppose renewal of the current exemptions for screen capture technologies (but would oppose any expansion of those exemptions). 37 C.F.R. § 201.40(b)(6) and (7). The Joint Creators and Copyright Owners take no position generally on whether any specific screen capture technologies, or any particular uses of those technologies, are lawful.

⁸ For example, Jeremy Sheff argues that it is faster and easier to show video clips in class if they are embedded in slideshow presentations. Sheff mentions that high-quality video footage is important for his class discussion of *Popov v. Hayashi*, because it shows the events on which the

this general preference for exceptionally high-quality content, divorced from any specific non-infringing use that makes the quality essential to its effectiveness, is not enough to justify expanding the exemptions beyond their current parameters. *See* 2012 Recommendation at 134 (“[W]here precise detail is not required for the particular use in question – for example, where a clip is presented simply to illustrate a historical event – lower-quality screen capture images may be fully adequate to fulfill the noninfringing use.”).

This is especially true because numerous alternatives to circumvention exist, which supplement the existing exemptions and give educators a wide array of options. Motion picture media is becoming increasingly accessible and searchable, negating the need to “scrub through” DVDs to find the exact clip. Many sources of streaming and downloading video make classroom use more manageable and facilitate faster and simpler classroom presentations without any need for circumvention – they enable faculty to “cue up” multiple clips through Internet browser software and downloaded copies. For example, a professor could use an UltraViolet-affiliated retailer service, such as Flixster, to open multiple titles prior to the beginning of class, pause each one where she wanted it to start during class, and run through multiple clips quickly and seamlessly.⁹ *See* Item 7, *infra*. From YouTube, a user can copy an “embed code” that allows a video to be placed in, and played from within, a PowerPoint presentation.¹⁰

With the existing exemptions and all of the constantly emerging alternatives at their disposal, educators and students certainly do not need to circumvent the AACS protection

court’s analysis turns. It appears from his comments that he could make a presentation using screen grab technology under the existing exemption. *See* 37 C.F.R. § 201.40(b)(6)(i)(D).

⁹ In addition, on the website Anyclip.com, you can search clips by objects, words, characters, actors, or several other tags. <http://www.anyclip.com/>. The Vudu digital movie platform includes an “enhanced scene search” feature that allows viewers to select which scenes to watch or to search through dialogue, photos, videos, and extras on certain films. *See* Marc Grazer, *Walmart’s Vudu Adds Bonus Features to Digital Movie Sales*, VARIETY, Oct. 23, 2013, <http://variety.com/2013/digital/news/walmarts-vudu-adds-bonus-features-to-digital-movie-sales-1200753731/>, Exhibit 2 attached hereto; *Extra! Extra! Vudu’s Extras+ Returns With More Titles!*, VUDUBLOG (April 4, 2014), <http://blog.vudu.com/?p=10895>, Exhibit 3 attached hereto.

¹⁰ *See* How to Embed Video from YouTube into a PowerPoint Presentation, Exhibit 4 attached hereto. The Movieclips YouTube channel makes available 53,582 licensed clips from feature films that can be embedded in this manner. *See* About, Movieclips YouTube Channel, <https://www.youtube.com/user/movieclips/about>, Exhibit 5 attached hereto. Certain full-length episodes of educational programming, such as *Planet Earth*, are likewise available on YouTube. <https://www.youtube.com/playlist?list=PLPcty5IeoOz4KGWtzdcZHJFhgcDV2dHR6>, Exhibit 6 attached hereto. YouTube also allows a user to create a custom embed code that will open to a specific time code within a given video, which could be saved for use in a classroom setting, for example, if a professor wanted to show just a portion of a full-length *Planet Earth* episode. Embed Videos and Playlists, YouTube Help, <https://support.google.com/youtube/answer/171780?hl=en>, Exhibit 7 attached hereto. This would help a professor or student prepare a presentation without a need for circumvention.

scheme utilized on Blu-ray Discs.¹¹ Similar to the record presented to the Register in 2012, the current record “establishes that there is some amount of motion picture material that may be available only on Blu-ray discs, such as bonus material or, more rarely, entire films released exclusively on Blu-ray.” 2012 Recommendation at 135. However, also like the record in 2012, “the few cited uses of Blu-ray-exclusive content are insignificant in number.” *Id.* Accordingly, “the record does not reflect a substantial adverse impact due to the inability to use motion picture materials contained on Blu-ray discs.” *Id.* Given the increase in availability of digital online content, and in particular high definition digital streaming or downloadable films, an exemption to circumvent AACS on Blu-ray is even less warranted now than it might have seemed three years ago.

Films available on Blu-ray Disc are almost universally available on DVD and/or via online distribution systems, very often as high definition digital copies.¹² MPAA member studios report that they are not aware of any of their films that have been released exclusively on Blu-ray Disc. A handful of titles may have been released on Blu-ray Discs as “special editions” or with “bonus footage” without a DVD counterpart; however, the main film would have been released on DVD and/or as a digital download. As reported by the “DVD and Blu-ray Release Report,” with respect to physical media, DVDs remain the industry standard, with far more titles being released each year on DVD than on Blu-ray. For example, in 2014, nearly 5,000 feature film and television titles were released on DVD, while fewer than 1,500 titles were released on Blu-ray. Moreover, in that same year, 439 million DVDs were purchased, versus only 127 million Blu-ray Discs. As reported by *Home Media Magazine*, Blu-ray Discs have accounted for only 22% of all discs sold in 2015, while DVDs constitute 78% of all disc sales.

Thus, there is no need for an expansion of the exemption to provide access to Blu-ray copies in addition to DVD and online digital copies. For example, the Joint Academics lament that they cannot make use of the documentary *Planet Earth*, which was shot in high definition.

¹¹ Peter Decherney apparently has already begun circumventing AACS to make high-definition still images, which he claims cannot be made without circumventing the encryption on the discs. It is not clear from the record whether such high-definition still images could be made from high-definition digital downloads of the motion pictures, or, more importantly, whether the high-definition images are necessary for his purposes or simply reflect his preference for Blu-ray images rather than the purportedly “muddy” still images from DVDs. Joint Academics’ Class 1 Comment at 16.

¹² With the rise of UltraViolet and Disney Movies Anywhere, Blu-ray Discs of major motion picture films are very often sold now with an included ability to digitally download and/or stream a high definition digital copy of the film. See Where to Get, Ultraviolet, <https://www.myuv.com/en/us/where-to-get>, Exhibit 8 attached hereto; Support, Disney Movies Anywhere, <http://www.disneymoviesanywhere.com/support#136>, Exhibit 9 attached hereto. Indeed, this feature was frequently offered even before UltraViolet and Disney Movies Anywhere emerged. Further, many films on Blu-ray Disc or DVD can be converted to high definition digital copies using the Vudu and Flixster Disc to Digital services. See Vudu Disc to Digital, http://www.vudu.com/in_home_disc_to_digital.html, Exhibit 10 attached hereto; Flixster Disc to Digital, <http://www.flixster.com/D2D/>, Exhibit 11 attached hereto.

However, *Planet Earth* is available on DVD and through multiple online services in high definition formats.¹³

In support of their claim that circumventing AACS is necessary, the Joint Academics also provide quotes from a professor of ethnomusicology, Carol Muller, who uses certain cultural materials *that have never been released in high quality formats*. Joint Academics' Class 1 Comment at 14-15. Circumvention of AACS is not the answer to these problems, as the issue is that the materials are archival, rather than that they are made somehow less accessible by access controls.¹⁴

In sum, the Joint Academics have made no effort to identify any material that is available only on Blu-ray Discs. They also have not identified any pedagogical exercise for which circumvention is necessary that (i) requires Blu-ray-quality images or (ii) involves a use other than close analysis of film. Given that no substantial adverse effects have been identified with respect to activities other than those already covered by the existing exemptions, the proponents have not met their burden to justify expanding those exemptions.

Item 7. Statutory Factors

17 U.S.C. § 1201(a)(1)(C)(i) instructs the Register to consider “the availability for use of copyrighted works” broadly and in historical context. Whether the proposed purpose at issue is currently enabled in the precise manner desired by a proponent is not the only relevant question. Prior to passage of the DMCA, fair use did not entitle a user to access a work in the format of the user’s choosing, and the passage of the DMCA did not alter that fact. As the Second Circuit has stated:

A film critic making fair use of a movie by quoting selected lines of dialogue has no constitutionally valid claim that the review (in print or on television) would be technologically superior if the reviewer had not been prevented from using a movie camera in the theater, nor has an art student a valid constitutional claim to fair use of a painting by photographing it in a museum. Fair use has never been held to be a guarantee of access to copyrighted material in order to copy it by the fair user’s preferred technique or in the format of the original.

Universal City Studios, Inc. v. Corley, 273 F. 3d 429, 459 (2d Cir. 2001).

¹³ *Planet Earth* is available for purchase at http://www.amazon.com/Pole-Narrator-David-Attenborough/dp/B00321GTJU/ref=sr_1_2?ie=UTF8&qid=1426474649&sr=8-2&keywords=planet+earth and <https://itunes.apple.com/us/tv-season/planet-earth-series-1/id285558902>, Exhibit 12 attached hereto.

¹⁴ It is unclear from the Joint Academics’ comments whether these materials are available on DVD, which provides a high quality picture, let alone on Blu-ray Disc. Joint Academics’ Class 1 Comment at 15.

Indeed, the use of access controls has facilitated wider availability of copyrighted motion pictures than ever existed prior to the DMCA. Moreover, digital copying methods that do not involve circumvention are far more prevalent, far more robust, and far more affordable than when the DMCA was enacted. Thus, it is not the case that access for pedagogical and educational uses has been diminished by the prohibition on circumvention of access controls. So long as *Corley* remains good law, “a [professor] making fair use of a movie by [displaying selected clips in her classroom] has no constitutionally valid claim that the [teaching experience] . . . would be technologically superior if the [professor] had not been prevented from [hacking access controls on a Blu-ray Disc].”

Further, the Register and the Librarian should consider that access controls are improving and expanding the audiovisual content available to the public at large and to educators, as highlighted by the following recent developments.

- UltraViolet.¹⁵ Numerous movie studios, retailers, and technology providers have come together to make content available through the UltraViolet platform, including MPAA members Paramount Pictures, Sony Pictures Entertainment, Twentieth Century Fox, Universal City Studios, and Warner Bros. Entertainment. UltraViolet connects consumers with their desired entertainment, on terms which enable broad access and portability. After purchasing a movie or TV show once, it can be added to an online UltraViolet Library at no cost, then instantly streamed and downloaded to a wide variety of devices at home and on the go. With an UltraViolet Library, a consumer has choices for where to buy and watch – at any time, she can choose from a growing number of participating UltraViolet retailers, including Flixster, Nook, Verizon and Vudu (which is owned by Wal-Mart). She can also share her UltraViolet Library with a chosen circle of family and friends. As of September 2014, there were more than 19 million active UltraViolet user accounts in the U.S.¹⁶ Studies have shown that overall satisfaction with UltraViolet is nearly 90%.¹⁷
- Disney Movies Anywhere. MPAA member Walt Disney Studios also offers a cloud-based platform for enjoying films released by Disney, Marvel and Pixar.¹⁸ Since launching in February 2014, the service has enabled consumers to access content across platforms and devices, including iOS, Android, Apple TV, Chromecast, and web browsers. Users simply connect their Disney Movies Anywhere account to their accounts with popular digital retail services, which currently include iTunes, Google

¹⁵ See generally UltraViolet Overview for MPAA Comments in U.S. Copyright Office Docket No. 2014–07, Re: Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies, Exhibit 13 attached hereto.

¹⁶ See Erik Gruenwedel, *UltraViolet Accounts Top 19 Million*, HOME MEDIA MAGAZINE, Sept. 12, 2014, <http://www.homemediamagazine.com/digital-evolution/ultraviolet-accounts-top-19-million-34159>, Exhibit 14 attached hereto.

¹⁷ *Id.*

¹⁸ Disney Movies Anywhere, <http://www.disneymoviesanywhere.com/>.

Play, and Vudu.¹⁹ Powered by Disney’s KeyChest technology, hundreds of titles purchased through participating digital retailers, or redeemed using the Digital Copy redemption code included in Blu-ray Disc packages, are instantly and seamlessly made available to the consumer for both streaming and download across their connected accounts via the Disney Movies Anywhere apps and website. The KeyChest technology is designed to be compatible with all digital providers, now and in the future, thus ensuring flexibility, security, and ease-of-use for consumers, content providers, and participating digital retailers.

- Disc to Digital. Vudu and Flixster also offer services whereby consumers who purchased DVDs can obtain low cost digital copies of the films they have collected.²⁰ To convert a DVD to a standard definition digital copy through Vudu costs \$2. Conversion to a high definition digital copy costs \$5. Blu-ray Discs can also be converted to high definition digital copies for \$2 (though many Blu-ray Discs are now sold with a license to digital versions for streaming and download included in the disc’s purchase price). Once converted, these digital copies are available to the consumer across the platforms of all UltraViolet participating retailers.
- “TV Everywhere” Initiatives. MPAA member companies and other content owners, in conjunction with multichannel video programming distributors (“MVPDs”), continue to expand offerings whereby their customers gain unprecedented on-demand and live streaming access to movies and television programs via the Internet as part of their cable/satellite television subscriptions. These services provide users with the ability to access televised content on their Internet connected devices. Examples of such services include Comcast’s XFINITY website and mobile apps,²¹ DISH Network’s DISH Online,²² and Verizon’s FiOS TV Online.²³ Some MVPDs, such as Cox Communications, allow their customers to view certain live television channels within the home via applications for mobile devices.²⁴ This complements the existing access by subscribers to significant numbers of shows and movies, often in high-definition, on their television sets at a time of their choosing via video on demand.

¹⁹ See Erik Gruenwedel, *Disney Movies Anywhere Partners With Vudu*, HOME MEDIA MAGAZINE, Nov. 17, 2014, <http://www.homemediamagazine.com/streaming/disney-movies-anywhere-partners-vudu-34615>, Exhibit 15 attached hereto.

²⁰ See Vudu Disc to Digital, http://www.vudu.com/in_home_disc_to_digital.html, Exhibit 10 attached hereto; Flixster Disc to Digital, <http://www.flixster.com/D2D/>, Exhibit 11 attached hereto. Flixster’s service is currently in beta form.

²¹ Watch XFINITY TV Online, <http://xfinitytv.comcast.net/>.

²² DISH Online, <http://www.dishonline.com/>.

²³ FiOS TV Online, tv.verizon.com/series.

²⁴ Cox TV Mobile Connect for iPad, <http://itunes.apple.com/us/app/cox-tv-connect-for-ipad/id57696018?mt=8>.

In addition to access offered by portals managed by MVPDs as described above, a growing number of cable networks, including HBO,²⁵ CNN, Cartoon Network, TBS, Cinemax, Showtime, ESPN, The Disney Channel and the Big Ten Network²⁶ provide access directly to subscribers via branded content portals. These offerings are predicated on protections underlying the ability of content providers to offer secure, authenticated access to authorized subscribers. Authenticated portals from cable networks are offered in conjunction with MVPDs, who work together to verify a user is a subscriber of the corresponding television network, and would not be possible without the access control measures which are the subject of these proceedings. In addition to cable networks, many broadcast television networks allow the general public to view popular television programming online on the networks' websites or via apps that rely on authentication to identify MVPD subscribers.²⁷

Increasingly, consumers are also able to subscribe to individual cable channels over the Internet. Notably, HBO is launching its HBO NOW program in April, which for \$14.99 a month will provide access to all HBO original programming and movie options.²⁸ Dish Network also has a web-based service that allows access to popular networks such as ESPN, AMC, HGTV and TNT for a monthly fee,²⁹ as does CBS.³⁰ Sony has also announced that they will start offering Internet-only subscription plans.³¹

- **Download and streaming platforms.** In addition to authenticated "TV Everywhere" services, most popular movie and television content is available on mobile phones, computers, and tablets through subscription models and one-time payments. Services include Apple's iTunes,³² Amazon Prime,³³ Netflix,³⁴ Hulu Plus,³⁵ and AT&T U-

²⁵ HBOGo, <http://www.hbogo.com/>.

²⁶ BTN2Go, <http://www.btn2go.com>.

²⁷ E.g., Watch ABC, <http://abc.go.com/shows/abc-updates/news/abc-apps>.

²⁸ Emily Steele, *HBO's Streaming Service Will Start in April, Initially on Apple Devices Only*, N.Y. TIMES, March 10, 2015, <http://www.nytimes.com/2015/03/10/business/media/hbo-streaming-to-start-in-april-on-apple-devices-only.html?&moduleDetail=section-news-5&action=click&contentCollection=Media®ion=Footer&module=MoreInSection&pgtype=article&r=0>, Exhibit 16 attached hereto.

²⁹ Sling TV, <https://www.sling.com/>.

³⁰ CBS All Access, <http://www.cbs.com/all-access/>.

³¹ Steele, *HBO's Streaming Service Will Start in April*, *supra* note 28.

³² iTunes Video, <https://www.apple.com/itunes/video/>.

³³ Amazon Instant Video, <http://www.amazon.com/Instant-Video/b?node=2858778011>.

³⁴ Netflix, <https://www.netflix.com/us/>.

³⁵ Enjoy More Popular, Current Shows, Hulu Plus, <http://www.hulu.com/plus/content>.

verse Live TV.³⁶ Warner Instant Archive, launched in 2013, is a streaming subscription service that offers access to hundreds of film and TV classics, many in high definition, and is accessible online, through a Roku device, iPad, or Apple TV.³⁷ The website “Where To Watch” provides consumers with information regarding a variety of digital services that make motion pictures available for viewing.³⁸

In short, the means of accessing a broad array of content continue to grow at a rapid pace. Content owners have worked with a vast network of distributors and providers to ensure broad accessibility to high-quality content outside of the traditional distribution channels.

All of this growth in content distribution is underwritten by the legislative promise of secure and robust protection for such content.³⁹ The DMCA was intended to encourage digital business models – “new ways of disseminating copyrighted materials to users”⁴⁰ – that depend upon robust access control measures in order to increase consumer options and promote the flow of copyrighted materials to the public.⁴¹ The Joint Creators and Copyright Owners urge the Register and the Librarian to consider how the DMCA and access controls have supported a vast increase in the public’s access to works when considering the propriety of any expanded educational exemption.

Item 8. Documentary Evidence

Please see the attached Exhibits.

³⁶ AT&T U-Verse Live TV, <http://attverselivetv.att.com>.

³⁷ Warner Archive, <http://instant.warnerarchive.com/>.

³⁸ Where To Watch, <http://wheretowatch.com/>.

³⁹ The legislative history is clear that this rulemaking was not intended to ensure that every new service enables copying, manipulation, and other uses of every existing work in every new format. To the contrary, the legislative history instructs the Register to take into account increases in the availability of works that are due to access controls, and to grant exemptions only where the existence of access controls and the prohibitions of § 1201(a)(1)(A) have “diminished” the availability of works for lawful uses. *See* Report of House Commerce Committee on H.R. 2281, the Digital Millennium Copyright Act, H.R. Rep. No. 105-551, pt. 2 at 36 (1998).

⁴⁰ Staff of House Committee on the Judiciary, 105th Cong., Section-By-Section Analysis of H.R. 2281 as Passed by the United States House of Representatives on August 4, 1998, at 6 (Comm. Print 1998), *reprinted in* 46 J. COPYRIGHT SOC’Y U.S.A. 635 (1999) (“Manager’s Rep.”).

⁴¹ Congress passed Title I of the DMCA because the existence of TPMs encourages copyright owners to make works of authorship available through new and innovative methods of dissemination. *See* Manager’s Rep. at 8 (predicting DMCA would result in “the availability of copyrighted materials for lawful uses being enhanced, not diminished”). “In assessing the impact of the implementation of technological protection measures, and of the law against circumvention, the[se] rulemaking proceedings should consider the positive as well as the adverse effects of these technologies on the availability of copyrighted materials.” *Id.* at 6.

Index of Exhibits to Joint Creators and Copyright Owners' Class 1 Comment

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| 1 | National Center For Education Statistics, "Enrollment in educational institutions, by level and control of institution, enrollment level, and attendance status and sex of student: Selected years, fall 1990 through fall 2023" | http://nces.ed.gov/programs/digest/d13/tables/dt13_105.20.asp |
| 2 | Marc Grazer, <i>Walmart's Vudu Adds Bonus Features to Digital Movie Sales</i> , Variety | http://variety.com/2013/digital/news/walmarts-vudu-adds-bonus-features-to-digital-movie-sales-1200753731/ |
| 3 | <i>Extra! Extra! Vudu's Extras+ Returns With More Titles!</i> , Vudublog | http://blog.vudu.com/?p=10895 |
| 4 | How to Embed Video from YouTube into a PowerPoint Presentation | |
| 5 | About, Movieclips YouTube Channel | https://www.youtube.com/user/movieclips/about |
| 6 | Full-length Planet Earth Episodes on YouTube | https://www.youtube.com/playlist?list=PLPcty5IeoOz4KGWtzdcZHJFhgcDV2dHR6 |
| 7 | Embed Videos and Playlists, YouTube Help | https://support.google.com/youtube/answer/171780?hl=en |
| 8 | Where to Get, Ultraviolet | https://www.myuv.com/en/us/where-to-get |
| 9 | Support, Disney Movies Anywhere | http://www.disneymoviesanywhere.com/support#136 |
| 10 | Vudu Disc to Digital | http://www.vudu.com/in_home_disc_to_digital.html |
| 11 | Flixster Disc to Digital | http://www.flixster.com/D2D/ |
| 12 | Planet Earth High Definition Digital Copies, Amazon and iTunes | http://www.amazon.com/Pole-Narrator-David-Attenborough/dp/B00321GTJU/ref=sr_1_2?ie=UTF8&qid=1426474649&sr=8-2&keywords=planet+earth and https://itunes.apple.com/us/tv-season/planet- |

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| 13 | UltraViolet Overview for MPAA Comments in U.S. Copyright Office Docket No. 2014-07, Re: Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies | |
| 14 | Erik Gruenwedel, <i>UltraViolet Accounts Top 19 Million</i> , Home Media Magazine | http://www.homemediamagazine.com/digital-evolution/ultraviolet-accounts-top-19-million-34159 |
| 15 | Erik Gruenwedel, <i>Disney Movies Anywhere Partners With Vudu</i> , Home Media Magazine | http://www.homemediamagazine.com/streaming/disney-movies-anywhere-partners-vudu-34615 |
| 16 | Emily Steele, <i>HBO's Streaming Service Will Start in April, Initially on Apple Devices Only</i> , N.Y. Times | http://www.nytimes.com/2015/03/10/business/media/hbo-streaming-to-start-in-april-on-apple-devices-only.html?&moduleDetail=section-news-5&action=click&contentCollection=Media&region=Footer&module=MoreInSection&pgtype=article&_r=0 |

Exhibit 1



DIGEST of EDUCATION STATISTICS

[2013 Tables and Figures](#)
[All Years of Tables and Figures](#)
[Most Recent Full Issue of the Digest](#)

Table 105.20. Enrollment in educational institutions, by level and control of institution, enrollment level, and attendance status and sex of student: Selected years, fall 1990 through fall 2023

[In thousands]

| Level and control of institution, enrollment level, and attendance status and sex of student | Actual | | | | | Projected | | | | | | | | | | |
|--|--------------------|--------------------|--------------------|---------------|----------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | 1990 | 2000 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| All levels | 60,683 | 68,685 | 75,883 | 75,784 | 75,476 | 75,439 | 75,736 | 75,997 | 76,376 | 77,078 | 77,607 | 78,183 | 78,807 | 79,484 | 80,182 | 80,857 |
| Elementary and secondary schools¹ | 46,864 | 53,373 | 54,867 | 54,790 | 54,833 | 54,842 | 54,725 | 54,731 | 54,790 | 55,132 | 55,380 | 55,671 | 56,010 | 56,343 | 56,684 | 57,023 |
| Public | 41,217 | 47,204 | 49,484 | 49,522 | 49,652 | 49,750 | 49,751 | 49,839 | 49,951 | 50,280 | 50,543 | 50,834 | 51,165 | 51,485 | 51,804 | 52,113 |
| Private | 5,648 ² | 6,169 ² | 5,382 ² | 5,268 | 5,181 | 5,091 | 4,974 | 4,892 | 4,839 | 4,852 | 4,837 | 4,836 | 4,844 | 4,857 | 4,880 | 4,910 |
| Prekindergarten to grade 8 | 34,388 | 38,592 | 38,708 | 38,750 | 38,874 | 38,967 | 38,839 | 38,810 | 38,867 | 39,177 | 39,424 | 39,687 | 39,950 | 40,194 | 40,470 | 40,887 |
| Public ³ | 29,876 | 33,686 | 34,625 | 34,773 | 34,968 | 35,111 | 35,062 | 35,069 | 35,142 | 35,412 | 35,642 | 35,878 | 36,115 | 36,335 | 36,585 | 36,967 |
| Private | 4,512 ² | 4,906 ² | 4,084 ² | 3,977 | 3,906 | 3,856 | 3,776 | 3,741 | 3,725 | 3,765 | 3,782 | 3,809 | 3,835 | 3,859 | 3,885 | 3,920 |
| Grades 9 to 12 | 12,476 | 14,781 | 16,159 | 16,040 | 15,959 | 15,874 | 15,886 | 15,921 | 15,924 | 15,955 | 15,955 | 15,984 | 16,060 | 16,149 | 16,213 | 16,136 |
| Public ³ | 11,341 | 13,517 | 14,860 | 14,749 | 14,684 | 14,639 | 14,689 | 14,770 | 14,810 | 14,868 | 14,901 | 14,957 | 15,050 | 15,151 | 15,219 | 15,146 |
| Private | 1,136 ² | 1,264 ² | 1,299 ² | 1,291 | 1,275 | 1,235 | 1,197 | 1,150 | 1,114 | 1,087 | 1,054 | 1,027 | 1,009 | 998 | 994 | 990 |
| Postsecondary degree-granting institutions | 13,819 | 15,312 | 21,016 | 20,994 | 20,643 ⁴ | 20,597 | 21,011 | 21,266 | 21,586 | 21,946 | 22,227 | 22,512 | 22,797 | 23,141 | 23,499 | 23,834 |
| Undergraduate | 11,959 | 13,155 | 18,079 | 18,063 | 17,732 ⁴ | 17,650 | 17,968 | 18,155 | 18,397 | 18,677 | 18,904 | 19,134 | 19,360 | 19,634 | 19,917 | 20,186 |
| Full-time | 6,976 | 7,923 | 11,452 | 11,359 | 11,098 ⁴ | 11,052 | 11,242 | 11,325 | 11,448 | 11,596 | 11,720 | 11,850 | 11,974 | 12,130 | 12,296 | 12,452 |
| Part-time | 4,983 | 5,232 | 6,627 | 6,704 | 6,635 ⁴ | 6,598 | 6,726 | 6,830 | 6,949 | 7,082 | 7,184 | 7,284 | 7,386 | 7,504 | 7,621 | 7,734 |
| Male | 5,380 | 5,778 | 7,835 | 7,817 | 7,714 ⁴ | 7,729 | 7,759 | 7,777 | 7,827 | 7,899 | 7,962 | 8,030 | 8,095 | 8,180 | 8,269 | 8,353 |
| Female | 6,579 | 7,377 | 10,244 | 10,246 | 10,019 ⁴ | 9,921 | 10,209 | 10,378 | 10,571 | 10,778 | 10,942 | 11,104 | 11,265 | 11,454 | 11,648 | 11,833 |
| 2-year | 5,240 | 5,948 | 7,681 | 7,500 | 7,164 ⁴ | 7,191 | 7,320 | 7,410 | 7,525 | 7,655 | 7,760 | 7,862 | 7,957 | 8,073 | 8,196 | 8,313 |
| 4-year | 6,719 | 7,207 | 10,398 | 10,563 | 10,568 ⁴ | 10,459 | 10,648 | 10,745 | 10,873 | 11,022 | 11,144 | 11,272 | 11,403 | 11,561 | 11,721 | 11,873 |
| Public | 9,710 | 10,539 | 13,704 | 13,689 | 13,474 ⁴ | 13,428 | 13,666 | 13,812 | 14,000 | 14,218 | 14,394 | 14,571 | 14,744 | 14,953 | 15,169 | 15,375 |
| Private | 2,250 | 2,616 | 4,374 | 4,374 | 4,259 ⁴ | 4,222 | 4,302 | 4,343 | 4,397 | 4,459 | 4,510 | 4,563 | 4,616 | 4,681 | 4,747 | 4,810 |
| Postbaccalaureate | 1,860 | 2,157 | 2,937 | 2,931 | 2,910 ⁴ | 2,947 | 3,043 | 3,111 | 3,189 | 3,269 | 3,323 | 3,378 | 3,437 | 3,507 | 3,582 | 3,648 |
| Full-time | 845 | 1,087 | 1,631 | 1,642 | 1,639 ⁴ | 1,690 | 1,750 | 1,787 | 1,830 | 1,873 | 1,898 | 1,925 | 1,955 | 1,992 | 2,033 | 2,068 |
| Part-time | 1,015 | 1,070 | 1,307 | 1,289 | 1,271 ⁴ | 1,258 | 1,294 | 1,324 | 1,359 | 1,396 | 1,425 | 1,453 | 1,482 | 1,516 | 1,549 | 1,580 |
| Male | 904 | 944 | 1,210 | 1,210 | 1,205 ⁴ | 1,255 | 1,278 | 1,296 | 1,319 | 1,344 | 1,361 | 1,378 | 1,396 | 1,419 | 1,443 | 1,464 |
| Female | 955 | 1,213 | 1,728 | 1,722 | 1,705 ⁴ | 1,692 | 1,765 | 1,815 | 1,870 | 1,925 | 1,962 | 2,000 | 2,041 | 2,088 | 2,138 | 2,184 |

¹ Includes enrollments in local public school systems and in most private schools (religiously affiliated and nonsectarian). Excludes homeschooled children who were not also enrolled in public and private schools. Private elementary enrollment includes preprimary students in schools offering kindergarten or higher grades.

² Estimated.

³ Includes prorated proportion of students classified as ungraded.

⁴ Data are actual.

NOTE: Postsecondary data for 1990 are for institutions of higher education, while later data are for degree-granting institutions. Degree-granting institutions grant associate's or higher degrees and participate in Title IV federal financial aid programs. The degree-granting classification is very similar to the earlier higher education classification, but it includes more 2-year colleges and excludes a few higher education institutions that did not grant degrees. Detail may not sum to totals because of rounding. Some data have been revised from previously published figures.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "State Nonfiscal Survey of Public Elementary and Secondary Education," 1990-91 through 2011-12; Parent and Family Involvement in Education Survey of the National Household Education Surveys Program (NHES), 2012; Private School Universe Survey (PSS), 1995-96 through 2011-12; National Elementary and Secondary Enrollment Projection Model, 1972 through 2023; Integrated Postsecondary Education Data System (IPEDS), "Fall Enrollment Survey" (IPEDS-EF:90-99); and IPEDS Spring 2001 through Spring 2013, Enrollment component. (This table was prepared January 2014.)

[2013 Tables and Figures](#)

[All Years of Tables and Figures](#)

[Most Recent Full Issue of the Digest](#)

Exhibit 2

VARIETY

Walmart's Vudu Adds Bonus Features to Digital Movie Sales



OCTOBER 23, 2013 | 12:50AM PT

Sony sees the addition of DVD and Blu-ray extras to digital versions of films available on Vudu as a way to boost purchases

Marc Graser (<http://variety.com/author/marc-graser/>)

Senior Editor

[@marcgraser](http://twitter.com/@marcgraser) (<http://twitter.com/@marcgraser>)

In an effort to sell more movie downloads through its [Vudu](http://variety.com/t/vudu/) (<http://variety.com/t/vudu/>) streaming service, [Walmart](http://variety.com/t/walmart/) (<http://variety.com/t/walmart/>) has paired up with [Sony Pictures Home Entertainment](http://variety.com/t/sony-pictures-home-entertainment/) (<http://variety.com/t/sony-pictures-home-entertainment/>) to launch Vudu Extras+ that offers bonus features normally found on DVDs and Blu-rays.

Only select titles from Sony, including "District 9," will now offer the interactive "Enhanced Scene Search" and "Clip & Share" features, along with deleted scenes, making-of featurettes and movie trivia, available on the cloud through UltraViolet.

Other titles that will include Vudu Extras+ are "This is the End," "After Earth," "White House Down," "Grown Ups 2," "Mortal Instruments," "Smurfs 2" and "One Direction – This is Us."

Through "Clip & Share," viewers will be able to share clips of a film on Facebook and Twitter, essentially turning them into marketing tools for the studio, considering clips feature a button to purchase the film.

With "Enhanced Scene Search," viewers can select scenes to watch and search through dialogue, videos, [photos](http://variety411.com/us/los-angeles/stock-footage-photos/) (<http://variety411.com/us/los-angeles/stock-footage-photos/>) and extras.

Vudu users who already have the movie in their library will get access to the Vudu Extras+ experience at no extra charge.

Sony sees the availability of extras as a way to entice more consumers to buy rather than rent films, especially as it looks to encourage more people to set up UltraViolet accounts.

Vudu will promote the new features on its site with the designated titles and hopes other studios will soon follow with their own films. Sony said it was encouraged to offer up the extras after seeing that the availability of bonus features on digital copies of films sold through Apple's iTunes has not cannibalized disc sales. Vudu offers films to purchase day-and-date with DVD and Blu-ray releases, whereas services like Netflix and Redbox must wait to offer films for rental, which has also helped promote sales.

"Vudu Extras+ will enhance the value proposition of digital ownership which is so key to the future success and strength of the home entertainment industry," said David Bishop, president of Sony Pictures Home Entertainment. "Our intention is that it will evolve it into an industry standard for use across multiple studios and services."

Bishop added that, "we really want to rally the industry around this idea and we're starting to have more conversations around that. We see it as a format rather than something that's exclusive to Sony and Vudu."

Vudu Extras+ is the latest way Walmart has sought to improve its streaming service, after joining UltraViolet, and enabling customers to convert their discs to digital or add their titles to Vudu's digital library at home.

"Sony Pictures Home Entertainment and Vudu developed Vudu Extras+ with the movie fan in mind," said Amit Balan, head of marketing and merchandising at Vudu. "We wanted to give fans new ways to interact with the digital movies they own."

Vudu Extras+ is available to preview before purchasing the movie (see video [here \(http://extras.sonypictures.com/vudu/\)](http://extras.sonypictures.com/vudu/)), and consumers can access the full Vudu Extras+ experience when they purchase a movie or redeem their UltraViolet code on Vudu.

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Exhibit 3

- [VUDU Home](#)
- [Sign-up](#)

Extra! Extra! VUDU Extras+ returns with new titles!

Jchang | April 8, 2014 in [New Features](#) | [Comments \(2\)](#)



Last year we launched VUDU Extras+ with the epic action-social commentary “[District 9](#)“. With all the bonuses you usually find on DVD or Blu-ray discs—like deleted scenes, featurettes and trailers—but better, VUDU Extras+ is a great feature for digital movie collectors. And now a new slate of films have been released, so it’s a great time to revisit VUDU Extras+.



Extra Content without Extra \$

Extras+ comes with eligible movies at no extra cost! And if you own the movie already, we add it to your VUDU account automatically.



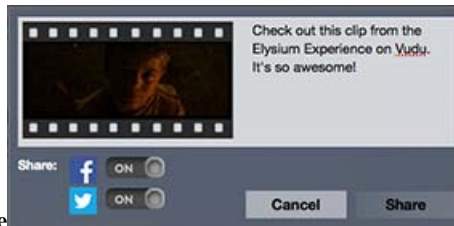
Featurettes at Your Fingertips

No more fiddling with discs and slow menus. The Extras+ page makes it easy to watch behind-the-scenes footage, deleted scenes, featurettes and more!

Enhanced Search



Blink-and-miss it cameo? A powerful search feature lets you find specific scenes, lines of dialogue, actors or even trivia!



Get Social with Clip & Share

Your favorite scenes sliced up and ready to share on Facebook and Twitter.


[Check out all the great movies that come with Extras+!](#)

2 Responses to “Extra! Extra! VUDU Extras+ returns with new titles!”

[RSS feed for comments on this post.](#) [TrackBack URL](#)

1.  *Comment by [Chad Cronin](#) — [April 18, 2014 at 8:30 pm](#)*

This is something I've been wanting to see for a while. That and the combo packs. After amassing over 400 Blu-rays, it's fun and refreshing to be able to save shelf space and get HDX new releases earlier and save the trip to the store and be able to watch on any device. I love VUDU!

2.  *Comment by [Aaron Clements](#) — [December 18, 2014 at 6:29 pm](#)*

I love your service what about the main streaming device such has Blu Ray players and tvs I would love to look at that on the TV screen
And Thank you.

Leave a Reply

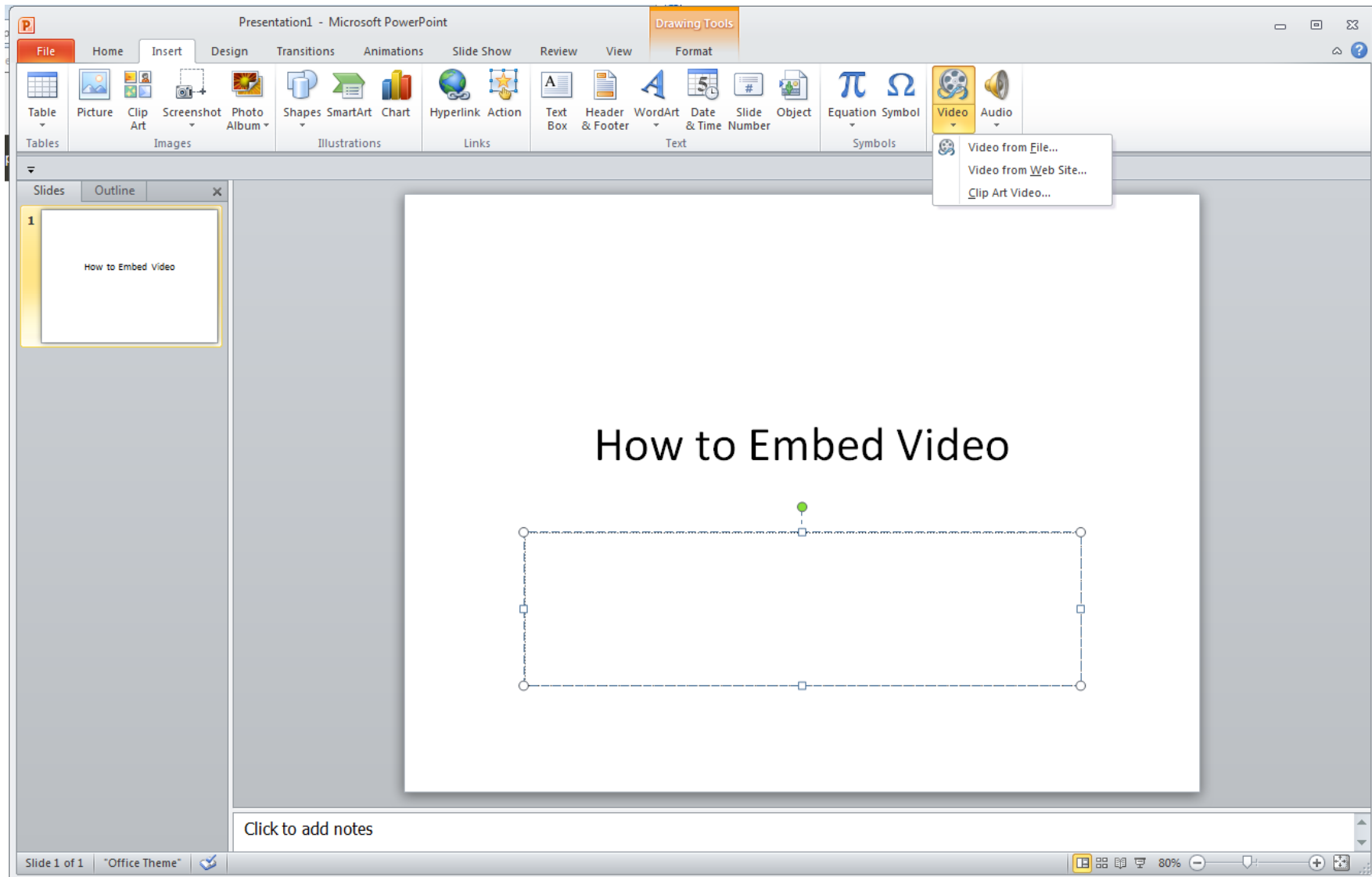
Name (required)

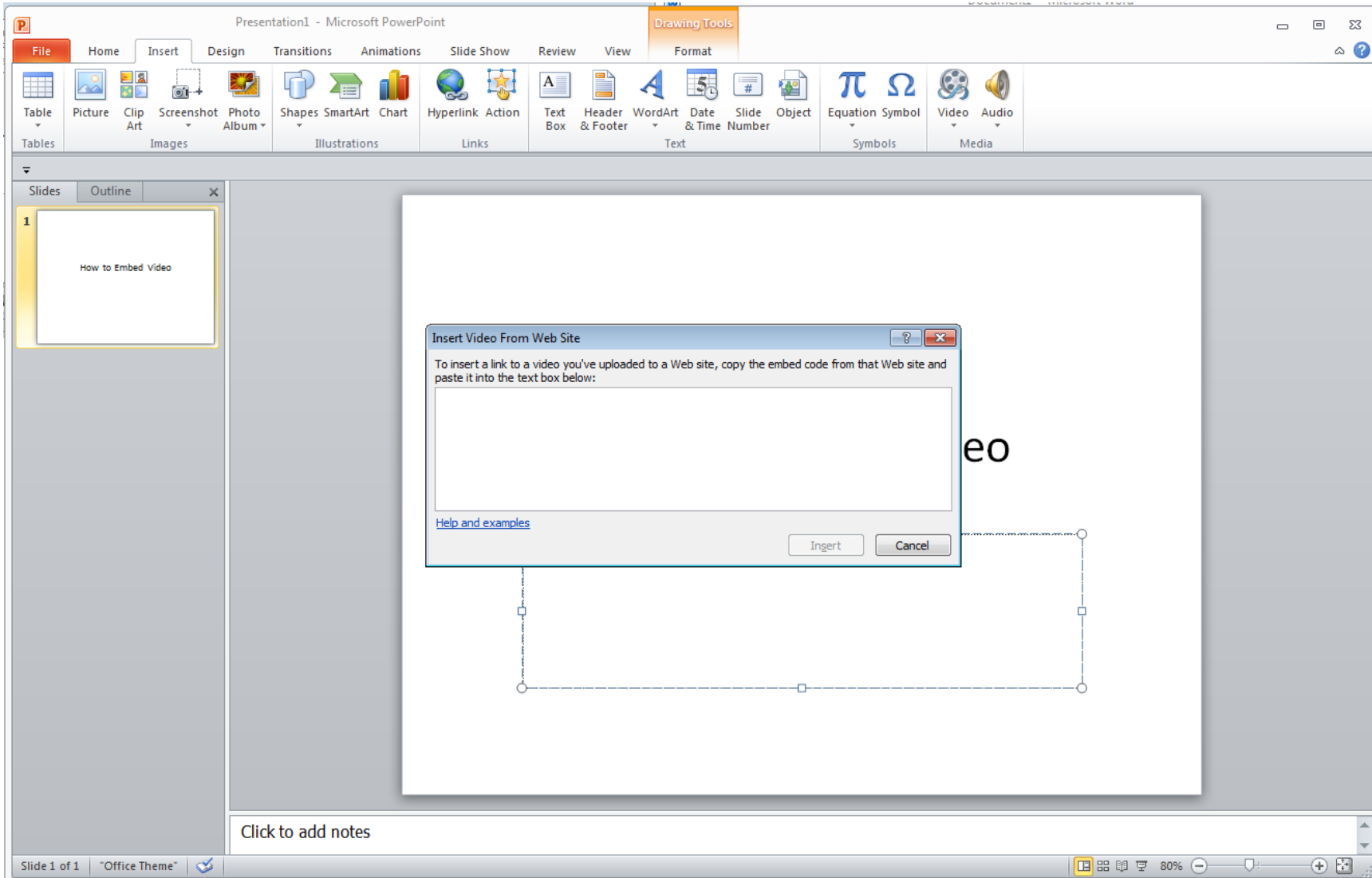
Mail (will not be published) (required)

Website

Exhibit 4

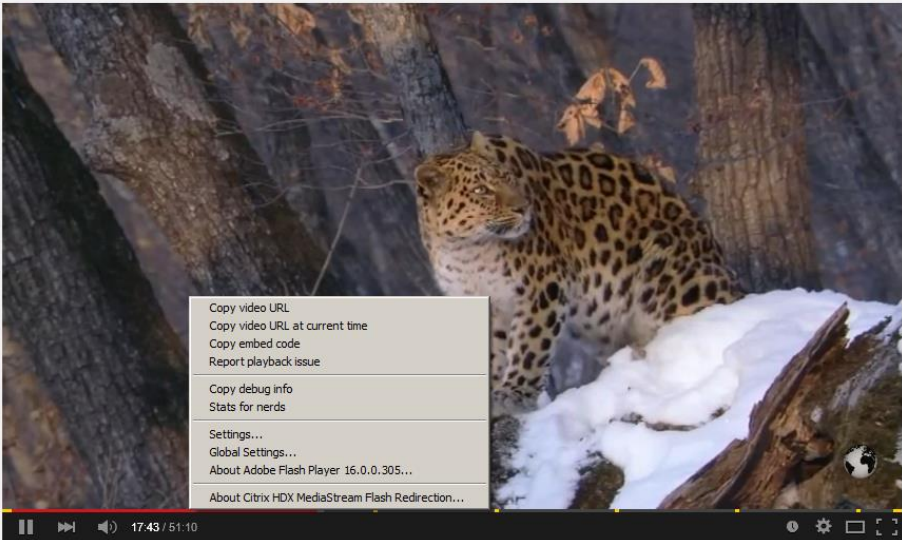
How to Embed Video from YouTube into a PowerPoint Presentation





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Published on Feb 18, 2015
 Planet Earth Episode 1 From Pole to Pole - BBC Documentary - David Attenborough: The first episode illustrates a journey around the globe and reveals the effect of gradual climatic change and seasonal transitions en route. During Antarctica's winter, emperor penguins endure four months of darkness, with no food, in temperatures of -70 °C (-94 °F). Meanwhile, as spring arrives in the Arctic, polar bear cubs take their first

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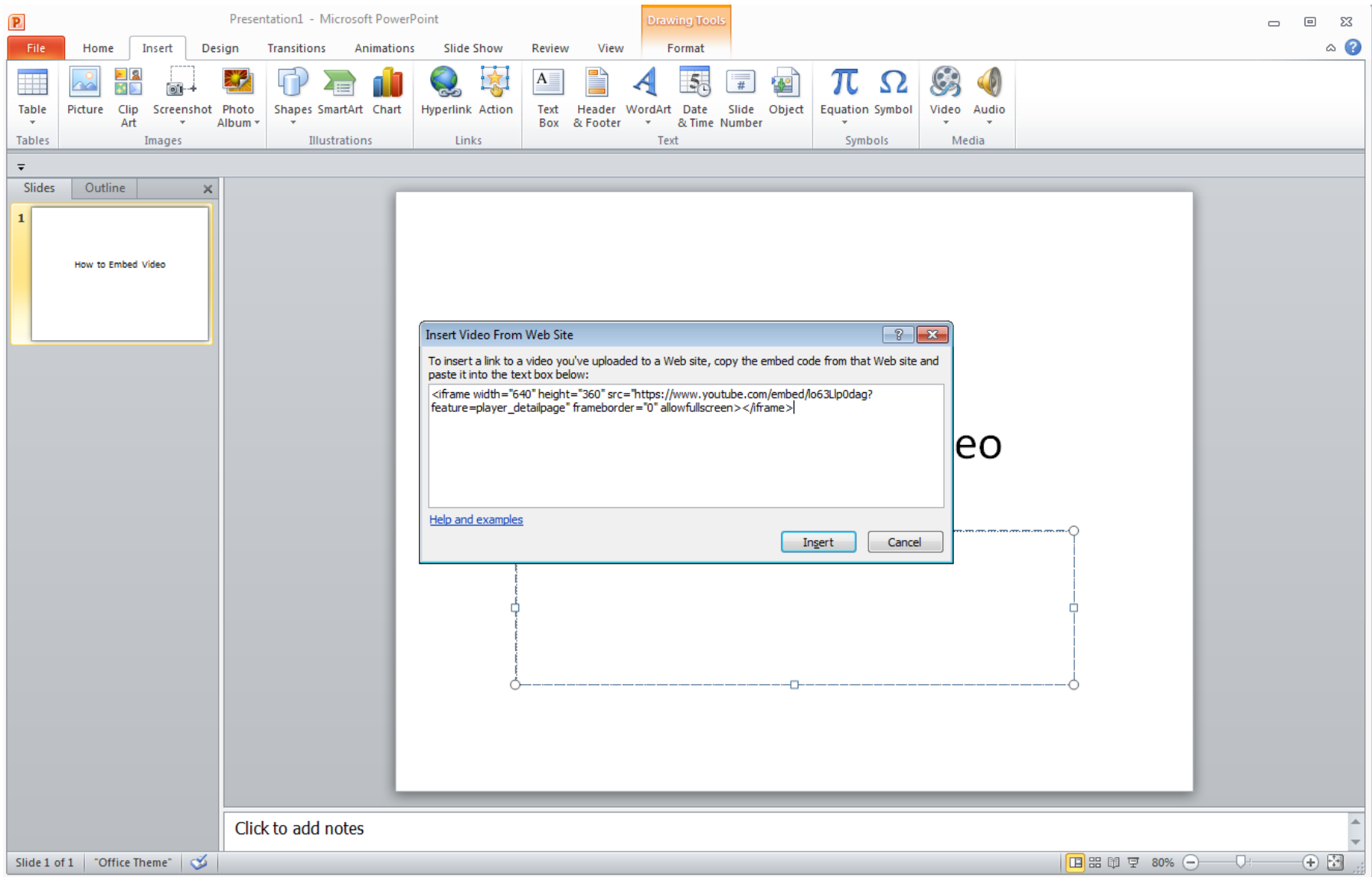
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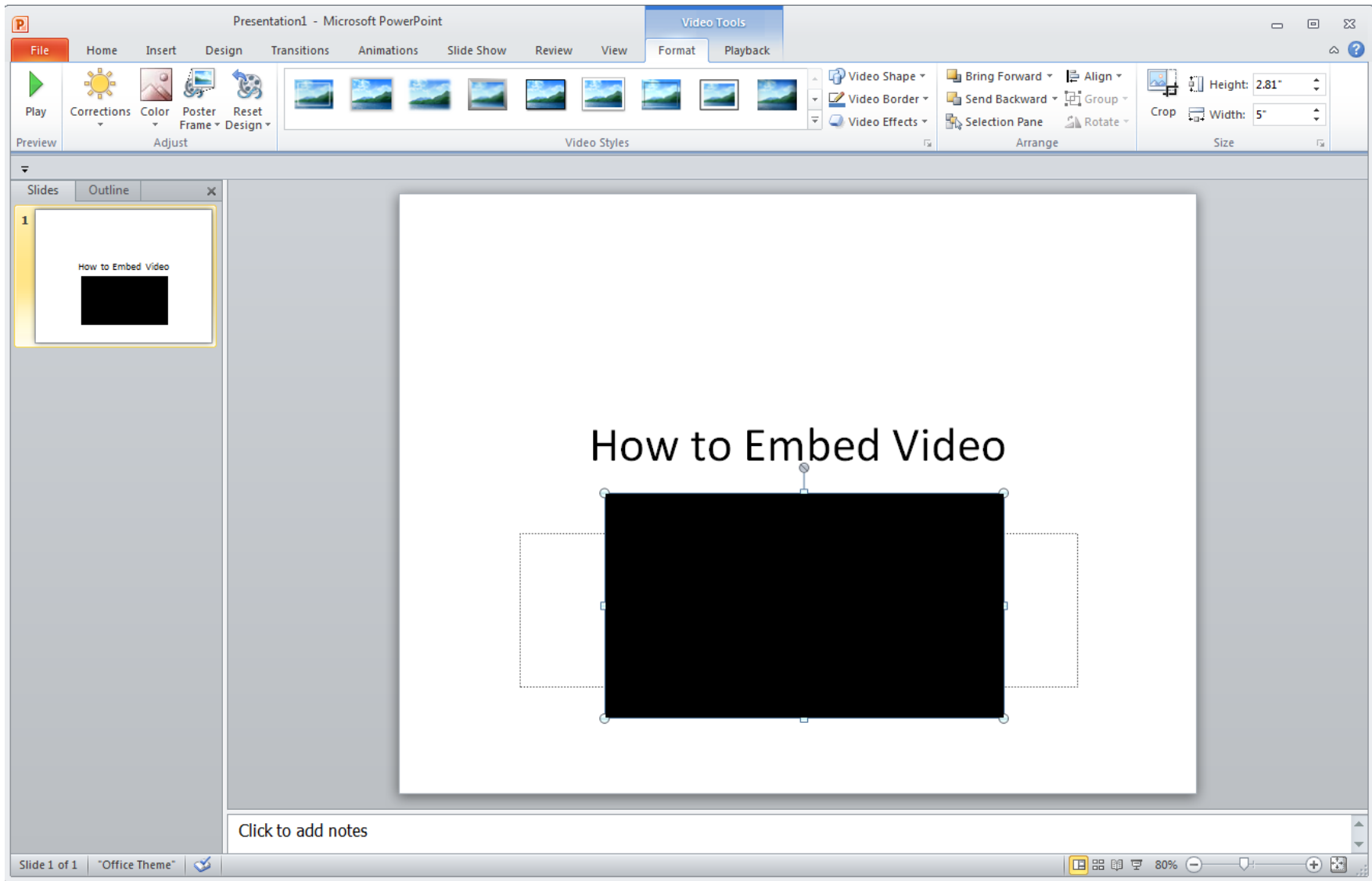
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AD by Martin Garrix
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by Helaine Hallon
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How to Embed Video













Exhibit 5

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| | 7,215,431,434 views | 10,435,461 subscribers |

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Country: Worldwide

Safety: Off

History

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Exhibit 6

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- 2
100 Greatest Discoveries Episode 2 Biology | Documentary
- 3
100 Greatest Discoveries Episode 3 Chemistry | Documentary
- 4
100 Greatest Discoveries Episode 4 Earth Sciences | Documentary
- 5
100 Greatest Discoveries Episode 5 Evolution | Documentary
- 6
How the Universe Works Season 3 Episode 1 | Journey from the Center of the Sun
- 7
How the Universe Works Season 3 Episode 2 | The End of the Universe
- 8
Planet Earth Episode 1 From Pole to Pole - BBC Documentary
- 9
Planet Earth Episode 2 Mountains - BBC Documentary
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Planet Earth Episode 3 Fresh Water - BBC Documentary
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Planet Earth Episode 4 Caves - BBC Documentary
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Planet Earth Episode 5 Deserts - BBC Documentary
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Channels Discussion About

18 Life Story Episode 1 First Steps - BBC David Attenborough

19 Wonders of Life Episode 1 - What is Life?

20 Wonders of Life Episode 2 - Expanding Universe

21 Wonders of Life Episode 3 - Endless Forms Most Beautiful

22 Wonders of Life Episode 4 - Size Matters

23 Wonders of Life Episode 5 - Home

Language: **English** ▼

Country: **Worldwide** ▼

Safety: **Off** ▼

History

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Exhibit 7



Embed videos and playlists

Add YouTube videos and playlists to a website or blog by embedding it.

Here's how to embed a video:

1. Click the **Share** link under the video.
2. Click the **Embed** link.
3. Copy the code provided in the expanded box.
4. Paste the code into your blog or website.

Here's how to embed a playlist:

1. Click **Playlists** on the left side of your YouTube page
2. Click the **playlist title** you'd like to embed.
3. Click the **Share** link.
4. Click the **Embed** link.
5. Copy the embed code that appears in the menu below.
6. Paste the code into your website or blog.

Embedding options

Enable Privacy-enhanced mode

Make an embedded video automatically play

Start an embedded video at a certain time

Add “#t=” to a video’s embed code, followed by the time at which you’d like the video to begin playing.

For example, if you want a video to start at 2 minutes and 30 seconds into the video, your embed code would look something like the following:

```
<iframe allowfullscreen="" frameborder="0" height="315"
src="http://www.youtube.com/embed/UkWd0azv3fQ#t=2m30s"
width="420"></iframe>
```

[Add captions to an embedded video](#)

[Disable embedding](#)

Share this:

Watch videos

[Share playlists](#)

[Embed videos and playlists](#)

[Share videos](#)

[Can't see private videos](#)

[Wrong video description or thumbnail on Facebook](#)

How helpful is this article:

Not at all helpful

Not very helpful

Somewhat helpful

Very helpful

Extremely helpful

Exhibit 8

COLLECT

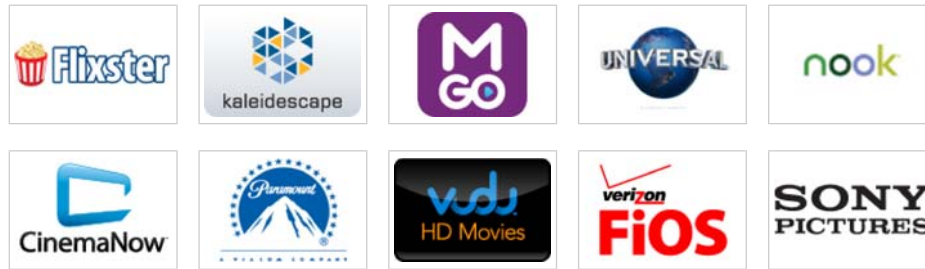
Where to Get

Thousands of UltraViolet movies and TV shows are available, including new releases you won't find on subscription services. Collect the movies you want, then watch them as many times as you wish, anywhere you are. Here's how:

- Shop for digital movies and TV shows at any UltraViolet retailer, on their website, in their app, or even with your TV remote.
- Look for Blu-ray Discs with the Digital HD UltraViolet logo and DVDs with the Digital UltraViolet logo. You'll get a disc that works in Blu-ray and DVD players plus a redemption code for the digital UltraViolet version that plays on your favorite devices.
- Upgrade your existing collection of Blu-ray Discs and DVDs with disc-to-digital services that add your discs to your UltraViolet Library, by using a computer at home or by bringing your discs to a store near you.

Retailers

Visit these retailers to use UltraViolet. If you don't have an UltraViolet Library yet, they'll help you create one at no cost. See retailers' websites for more information about additional benefits such as disc-to-digital conversion.



The Biggest Names

The biggest names in entertainment have come together to offer movies and TV shows with UltraViolet. The newest blockbusters and beloved classics are available to watch anytime you want – a huge variety of entertainment, all at your fingertips.



WHERE TO WATCH

WHERE TO SHARE



Exhibit 9

http://www.disneymoviesanywhere.com/support#136

File Edit View Favorites Tools

Show Disney.com

Disney Movies Anywhere

Featured Movies My Collection Discover Rewards Support

Search Sign In

Support

Top Questions

Overview

Account Management

Connecting Accounts

Movies & Digital Copies

[Streaming & Downloading](#)

Disney Movie Rewards

Technical Questions

Contact

What is streaming?

Streaming allows movies to be watched instantly by playing videos through your Internet-connected device. It doesn't require video to be stored on your computer or device and therefore does not require significant memory/storage. Streaming does require an active Internet connection. If you would like to watch a movie through the Disney Movies Anywhere app without an active Internet connection, you will need to download it first.

What is downloading?

Downloading a movie from the Disney Movies Anywhere app saves the video file onto your device so you can watch it without an Internet connection. You will need to be connected to the Internet to download your movie. Once you have finished downloading, you can watch your downloaded movies offline and on the go.

Currently, downloading is not offered through the Disney Movies Anywhere website. Downloads to iOS devices are available in standard definition (SD) format. Downloads on Android devices are available in standard definition (SD) and high definition (HD) format.

On Android devices, downloading is handled through Google Play Movies & TV. Please ensure you have the latest version of Google Play Movies & TV installed and that your Google Play account is connected to download movies.

To how many computers or devices can I stream a video at one time?

You can stream your movies and videos from a signed-in Disney Movies Anywhere account on up to two different devices concurrently.

To how many devices can I download a movie?

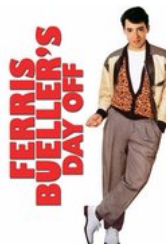
You may download your Disney Movies Anywhere-eligible movies using the Disney Movies Anywhere app to a maximum of eight different Disney Movies Anywhere-compatible devices within a 30-day period. If you attempt to add a new (i.e., ninth) device within that 30-day period, the device you used least recently will be removed from your account and replaced with the most recent device. Subject to the [Disney Movies Anywhere Terms of Use](#), the number of times you can download a single movie to the devices associated

Exhibit 10

Search for Movies & TV

Search for movies available for Disc-to-Digital conversion

Available now on Disc to Digital



How do I get started using the In-home Disc to Digital service?

The In-home Disc to Digital service is a new feature of our VUDU To Go application. The process is quick and easy and allows you to start storing your DVDs in the cloud in minutes. Put your movies in the cloud in just few simple steps:

1. Download the VUDU To Go application.
2. Click the "Disc to Digital" option tab in the application.
3. Insert a disc.
4. Pick your quality (SD or HD).
5. Repeat step 3 for another disc.
6. Complete the checkout process.

You're ready to enjoy your movies anytime, anywhere, on any VUDU-enabled device!

What is VUDU To Go?

VUDU To Go is an application that allows you to download your movies and TV shows from VUDU to watch offline. The Disc to Digital service is a new feature added to the VUDU To Go application. It lets you convert your Blu-ray™ discs and DVDs to digital copies at home and store them in the cloud so you can watch them anywhere.

Why should I convert my discs to digital?

When you convert your discs to digital copies you can stream them from the cloud to any VUDU-enabled device. Enjoy the convenience of watching your movies without your discs. You'll get to:

- Stream your movies directly to your VUDU-enabled devices such as iPad®, computer, Xbox 360®, PlayStation® 3, Blu-ray player, and HDTV from the cloud
- Upgrade your movies to 1080p and enjoy the best cinema experience possible
- Safeguard your movies by storing them in the cloud forever

UltraViolet is the industry standard for storing your movies in the cloud. All Disc to Digital titles and movies* you own on VUDU are now UltraViolet compatible.

[Search for Movies & TV](#)

Can I visit a Walmart Store to convert my discs to digital?

Yes, the same service is also available at Walmart Stores. Prior to visiting the store visit <http://www.vudu.com/disctodigital> to learn more about the In-store Disc to Digital service.

What if I don't have a DVD or Blu-ray drive?

You can also take your DVDs and Blu-ray discs to Walmart stores and use the In-store Disc to Digital program to convert your discs. Prior to visiting a local Walmart, learn more about the service at <http://www.vudu.com/disctodigital>.

Can I use my DVD drive to convert a Blu-ray disc?

No. DVD drives cannot read Blu-ray discs, but Blu-ray players can read DVDs. You will have to convert your Blu-ray discs with the In-store Disc to Digital program if you do not have a Blu-ray player. Visit <http://www.vudu.com/disctodigital> to learn more about the in-store service.

What operating systems can run the VUDU To Go application?

Currently the application is available for Mac and Windows computers only.

How do I get the In-home Disc to Digital feature?

If you have a Mac or a Windows computer you can go to http://www.vudu.com/in_home_disc_to_digital.html to download the VUDU To Go application to access the Disc to Digital feature.

How much does it cost to convert a DVD or Blu-ray disc to digital and add it to my UltraViolet and VUDU account?

- \$2 per DVD to convert to Standard Definition ('SD')
- \$2 per Blu-ray disc to convert to High Definition with Dolby Digital Plus Surround Sound ('HDX')
- \$5 per DVD to convert and upgrade to HDX

What are the details around the special promotional offer for In-home Disc to Digital?

For a limited time, if you convert 10 or more discs in a single transaction, you'll get 50% off the entire transaction. See below for additional terms and conditions.

What is UltraViolet?

UltraViolet is a new industry standard that allows you to store your movies securely in the cloud. It keeps a permanent record of all your movie purchases so you can build your digital movie collection safely and securely. With UltraViolet, you can now easily access your movies any time, any place, on your favorite connected devices, including your TV. VUDU is the first and only company to offer thousands of titles in UltraViolet, accessible across millions of VUDU-enabled devices.

Do I need an UltraViolet account to use the Disc to Digital service?

Yes, you need to have an UltraViolet account linked to your VUDU account to use the Disc to Digital service. You will need to create a free UltraViolet account in order to use the Disc to Digital service. Once you create your UltraViolet account, any movies from participating studios that you purchase electronically on VUDU, including any past purchases will be automatically registered within your UltraViolet account at no extra charge to you. You will also be able to redeem UltraViolet e-copies offered with select DVDs and Blu-ray discs offered by participating studios.

Can I use VUDU to access UltraViolet movies that I purchased at other retailers and/or redeemed on other services?

Yes, you can stream and download any UltraViolet movies using VUDU, at no extra charge to you, regardless of where they were purchased, provided that: 1) you have registered those movies in your UltraViolet account and 2) VUDU has a licensing relationship with the participating studio or distributor.

Why aren't all of my movies available for Disc to Digital conversion?

The list of movies available for Disc to Digital conversion is comprised of titles that have been legally cleared for digital distribution from studios participating in the UltraViolet program. We expect the number of titles available for Disc to Digital conversion to grow over time.

If I purchase a movie to own on VUDU, will it automatically be added to my UltraViolet account?

As long as the movie is available for UltraViolet redemption and your VUDU and UltraViolet accounts are linked together, the title should be added and accessible through both your UltraViolet and VUDU account. Look for the UltraViolet logo to see if a movie is UltraViolet-compatible.

Does it cost anything to watch my UltraViolet movies using VUDU?

No, there is no cost for watching your UltraViolet movies using VUDU.

Which studios are supporting UltraViolet?

The studios supporting UltraViolet at this time include: Paramount Home Media Distribution, Sony Pictures Home Entertainment, Twentieth Century Fox Home Entertainment, Universal Studios Home Entertainment, Lionsgate Entertainment and Warner Bros. Home Entertainment.

* Movies from participating studios only. HDX is only available on limited VUDU-enabled devices.

Terms and Conditions

For a limited time, if you convert ten (10) or more discs via VUDU's In-home Disc to Digital service in a single transaction (that is, you add ten (10) or more discs to your cart and check-out), you will receive a fifty percent (50%) discount off the pre-tax subtotal conversion fees for that transaction. These promotional discounts (collectively, the "Promotion") may not be combined with other promotions or offers from VUDU or Walmart or its affiliates. VUDU may declare this Promotion to be void where prohibited or restricted by applicable law. Eligibility for this Promotion, conversion of DVDs or Blu-ray discs, and use of the In-Home Disc to Digital service are subject to VUDU's Terms of Service.

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Get Social

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Top Picks
Movies
TV
Collections

Devices

VUDU Spark™
PlayStation®3
Xbox 360®
Roku®
Chromecast®
Blu-ray™ / TV
iPad®
Android™
Shop for a Device

Support

Need Help?
Your Cases
Forums
Documentation

My Account

Account Information
UltraViolet™ Account
Payment Information
Balance & History
Manage Devices

[Contact Us](#) | [Blog](#) | [Terms Of Service](#) | [Privacy Policy](#)

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Exhibit 11

Try Disc to Digital, and never lose a DVD again.



Convert your physical DVDs into a digital collection stored in the cloud.
Stream or download your movies at any time on any device!

Free Download

For Windows XP, Vista, 7, or 8

What are the advantages of owning a digital copy of a movie?

Never lose a DVD again! With a digital copy, you can access and watch your movie at any time, on any device.

What devices can I use to watch my movies?

You will be able to stream or download the movie on your computer, iPhone, iPad, Android phone or tablet or TV. [Click here](#) to see a full list of supported devices.

What discs are supported?

There are over [5000](#) DVDs that are supported for disc to digital from Warner Bros, Sony, Universal and Paramount. DVDs from other studios will be added soon.

What discs are not eligible for D2D?

If you purchased a DVD recently and there is a UV redemption code on the cover, [follow this link](#) to add that movie to your collection. Discs that are rented, copied or burned are not eligible for Disc to Digital.



Disc to Digital is available for DVD movies from the above studios.
Television shows and Blu-ray discs are not supported at this time.

Exhibit 12

Planet Earth 2 Seasons 2006

Season 1 (3,730) | 9.3/10



1. From Pole to Pole (Narrator - David Attenborough)

TV-PG CC

The lives of animals and plants are dominated by the sun and fresh water which trigger seasonal journeys. The latest technology and aerial photography enable the Planet Earth team to track some of the greatest mass migrations.

Starring: David Attenborough, Sigourney Weaver

Runtime: 52 minutes

Original air date: March 5, 2006

Available to watch on [supported devices](#).

[Sign in](#)
 New customer? [Start here.](#)

Buy with 1-Click®

Episode 1

Buy HD \$2.99 Buy SD \$1.99

Season 1

Buy HD \$31.99 Buy SD \$20.99

[Redeem a gift card or promotion code](#)

Add Season to Watchlist




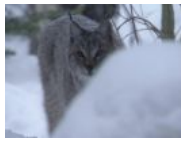

Share

[Send us Feedback](#)

By placing your order, you agree to our [Terms of Use](#). Sold by Amazon Digital Services, Inc. Additional taxes may apply.

Season 1

- | | | |
|--|---|-------------|
| | 1. From Pole to Pole (Narrator - David Attenborough) The lives of animals and plants are dominated by the sun and fresh water which trigger seasonal journeys. The latest technology and aerial photography enable the Planet Earth team to track some of the greatest mass migrations. | from \$1.99 |
| | 2. Mountains (Narrator - David Attenborough) Tour the mightiest mountain ranges, starting with the birth of a mountain at one of the lowest places on Earth and ending at the summit of Everest. One of Earth's rarest phenomena is a lava lake that has been erupting for over 100 years. The same forces... | from \$1.99 |
| | 3. Freshwater (Narrator - David Attenborough) Follow the descent of rivers from their mountain sources to the sea. Watch spectacular waterfalls, fly inside the Grand Canyon and explore the wildlife in the world's deepest lake. Planet Earth captures unique and dramatic moments of animal behaviour: a... | from \$1.99 |
| | 4. Caves (Narrator - David Attenborough) The Cave of Swallows in Mexico is a 400m vertical shaft, deep enough to engulf the Empire State Building. The Lechuguilla cave system in the USA is 193km long with astonishing crystal formations. Caves are remarkable habitats with equally bizarre wildlife.... | from \$1.99 |
| | 5. Deserts (Narrator - David Attenborough) Around 30% of the land's surface is desert, the most varied of our ecosystems despite the lack of rain. In the Gobi Desert, rare Bactrian camels get moisture from the snow. In the Atacama, guanacos survive by licking dew off cactus spines. The brief blooming... | from \$1.99 |
| | | from \$1.99 |

| | | |
|--|---|------------------------|
| | <p>6. Ice Worlds (Narrator - David Attenborough) The Arctic and Antarctic experience the most extreme seasons on Earth. Time-lapse cameras watch a colony of emperor penguins, transforming them into a single organism. The film reveals new science about the dynamics of emperor penguin behaviour. In the north,...</p> <p>TV-PG 52min November 5, 2006</p> | |
|  | <p>7. Great Plains (Narrator - David Attenborough) After filming for three years, Planet Earth finally captures the shy Mongolian gazelle. Only a handful of people have witnessed its annual migration. Don't miss the bizarre-looking Tibetan fox, captured on film for the first time. Over six weeks the team...</p> <p>TV-PG 52min November 12, 2006</p> | <p>from \$1.99</p> |
|  | <p>8. Jungles (Narrator - David Attenborough) Jungles cover roughly three per cent of our planet yet contain 50 per cent of the world's species. High-definition cameras enable unprecedented views of animals living on the dark jungle floor. In the Ngogo forest the largest chimpanzee group in the world...</p> <p>TV-PG 52min November 19, 2006</p> | <p>from \$1.99</p> |
|  | <p>9. Shallow Seas (Narrator - David Attenborough) A humpback whale mother and calf embark on an epic journey from tropical coral paradises to storm ravaged polar seas. Newly discovered coral reefs in Indonesia reveal head-butting pygmy seahorses, flashing 'electric' clams and bands of sea kraits, 30-strong,...</p> <p>TV-PG 52min November 26, 2006</p> | <p>from \$1.99</p> |
|  | <p>10. Seasonal Forests (Narrator - David Attenborough) Discover the Taiga forest, on the edge of the Arctic - a silent world of stunted conifers. A third of all trees on Earth grow here and during the short summer they produce enough oxygen to change the atmosphere. In California General Sherman, a giant sequoia,...</p> <p>TV-PG 52min December 3, 2006</p> | <p>from \$1.99</p> |
|  | <p>11. Ocean Deep (Narrator - David Attenborough) In this final stunning episode, a 30 ton whale shark gorges on a school of fish and the unique overhead heli-gimbal camera reveals common dolphins rocketing at more than 30km an hour. Descending into the abyss, deep sea octopus fly with wings and vampire...</p> <p>TV-PG 52min December 10, 2006</p> | <p>from \$1.99</p> |

Customers Who Bought This Item Also Bought



Product Details

| | |
|-------------------|--|
| Genres | Documentary |
| Director | Alastair Fothergill |
| Starring | David Attenborough , Sigourney Weaver |
| Supporting actors | Mike Holding , Tania Jenkins , Michael Kelem , Mark Linfield , Peter Perlstein |
| Season year | 2006 |
| Network | BBC |

| | |
|-----------------|---|
| Producers | Penny Allen , Vanessa Berlowitz , Maureen Lemire , Mark Linfield , Shannon C. Malone , Kera Rennert |
| Purchase rights | Stream instantly and download to 2 locations Details |
| Format | Amazon Instant Video (streaming online video and digital download) |

Other Formats

| | |
|----------------|--------------------|
| DVD \$46.79 | Blu-ray \$39.99 |
|----------------|--------------------|

Customer Reviews



[See all 3,730 customer reviews](#)

This is a great set of DVDs, and the video quality of the blu-ray discs is awesome.

Missy

Planet Earth, the stunning BBC nature documentary, uses the latest in film technology to take you to the most remote and fantastic places in the world.

Rebecca J. Carlson

This series was exceptional - absolutely fantastic photography and great narratives.

Photo Dave

Most Helpful Customer Reviews

849 of 897 people found the following review helpful

A new appreciation for the wonder that surrounds us! Show it to your children...

By [ZenWoman](#) [TOP 500 REVIEWER](#) [VINE VOICE](#) on April 21, 2007

Format: DVD **Verified Purchase**

Never have I been so moved by a series to exclaim in wonder and actually shed tears of joy at the beauty that surrounds us on this wonderful planet.

I have been watching it on Discovery HD Theater when it premiered in March. The first episode "Pole to Pole" set the tone by showing the range of life and species that exist on this planet. The subsequent episodes delve into the habitats one by one. Mountains, Fresh Water, Caves, Deserts, Ice Worlds, Great Plains, Jungles, Shallow Seas, Seasonal Forests and Deep Ocean are the subsequent episodes. This is one series that has to be seen to be believed of what the intrepid cameramen of BBC/Discovery Channel have been able to capture through their sheer perseverance in remote locations. The HD technology has captured some scenes and images never seen before and some seen before but never with this clarity and beauty. 5 years, 62 countries and 204 locations is what it took to make this series, and the result is a lifetime TV series.

This is one series that fascinated my kid as much as it amazed me. She wanted to watch her cartoons but the moment the episode began she was captivated. Both of us shared together the wonder that is our Planet and it was she who brought up the subject of what we might be doing to it by our actions. We cried when we saw how polar bears have begun to drown as ice melts faster every year. The image of one lone bear trying to walk on ice but falling into the slushy waters, and having to swim longer distances to capture food and finally dying with exhaustion was heart breaking. The series makes no references to the present conditions, just in passing as with the polar bear. [Read more >](#)

[41 Comments](#) Was this review helpful to you? Yes No

681 of 742 people found the following review helpful

Perfect series....with one very minor flaw

By [Allen](#) on April 1, 2007

Format: Blu-ray

First off, let me say Thank you to Amazon for clarifying that the great David Attenborough is the narrator for this series. No Attenborough would have meant no purchase on my part. Simply put the most amazing documentary on life and animals and the world around us that I have ever seen. The clarity is simply breathtaking(and that was on my tv broadcast which was in 720P...the HD transfers are in 1080p!!!!).A huge tahnak you to the creators and producers for doing this for people like myself and many others who care deeply about the world around us.

My one minor complaint has to do with the fact that on the HD transfers, there is absent the

Customer Images

[See all customer images](#)

Most Recent Customer Reviews

Perfect for checking out your new TV.

The perfect Blu Ray for checking out your new TV setup. Great picture, great relaxing narration.

Published 15 minutes ago by [gman](#)

FYI. The version being sold above is the 6 ...

FYI. The version being sold above is the 6 DISK Version, which has everything the reviewers below say is missing.

Published 13 hours ago by [LG](#)

super fast!

Great and shipped fast!

Published 1 day ago by [Jay](#)

Five Stars

Loved the presentation

Published 2 days ago by [Sharon L. Werner](#)

Five Stars

perfect

Published 3 days ago by [George Makaridze](#)

FAB!

AMAZING!!

Published 3 days ago by [S. McKenna](#)

Five Stars

Awesome!

Published 5 days ago by [kou](#)

Five Stars

iTunes Preview

Overview Music Video Charts

iTunes is the world's easiest way to organize and add to your digital media collection.

We are unable to find iTunes on your computer. To preview or buy TV shows, get iTunes now.

Already have iTunes? Click I Have iTunes to open it now.

[I Have iTunes](#)

[Free Download](#)

Planet Earth, Series 1

Open iTunes to preview or buy TV shows.



Description

This jaw-dropping, award-winning, landmark series from the BBC's Natural History Unit presents the epic story of life on Earth. Four years in production, over 2000 days in the field, using 71 cameramen filming across 204 locations in 62 countries, this is the ultimate portrait of our planet. A stunning television experience that combines rare action, unimaginable scale, impossible locations, and intimate moments with our planet's best-loved, wildest, and most elusive creatures. From the highest mountains to the deepest rivers, this blockbuster series takes you on an unforgettable journey through the challenging seasons and the daily struggle for survival in Earth's most extreme habitats. Using a budget of unprecedented proportions, HD photography, and unique, specially developed filming techniques, *Planet Earth* takes you to places you have never seen before, to experience sights and sounds you may never experience again.

\$31.99
 HD Version
 Genre: [Nonfiction](#)
 Released: Apr 22, 2012
 © 2006 BBC
 in English

In SD



[Planet Earth Series 1](#)

Customer Ratings

670 Ratings

More Seasons



[Planet Earth Diaries](#)
[View In iTunes](#)



[Planet Earth: Original Specials](#)
[View In iTunes](#)

| | Name | Description | Time | Price | |
|----|-------------------|--|-------|--------|--------------------------------|
| 1 | From Pole to Pole | The latest technology and aerial photography enable | 48:59 | \$2.99 | View In iTunes |
| 2 | Mountains | Tour the mightiest mountain ranges, starting | 47:48 | \$2.99 | View In iTunes |
| 3 | Freshwater | Follow the descent of rivers from their mountain | 49:08 | \$2.99 | View In iTunes |
| 4 | Caves | Take a journey into a hidden world of | 48:41 | \$2.99 | View In iTunes |
| 5 | Deserts | A unique aerial voyage over the Namibian desert | 48:41 | \$2.99 | View In iTunes |
| 6 | Ice Worlds | This episode reveals new science about the | 48:59 | \$2.99 | View In iTunes |
| 7 | Great Plains | After filming for three years, Planet Earth finally | 48:48 | \$2.99 | View In iTunes |
| 8 | Jungles | High-definition cameras enable unprecedented | 48:55 | \$2.99 | View In iTunes |
| 9 | Shallow Seas | A humpback whale mother and calf embark | 49:01 | \$2.99 | View In iTunes |
| 10 | Seasonal Forests | Discover the Taiga forest, on the edge of the Arctic | 49:00 | \$2.99 | View In iTunes |
| 11 | Ocean Deep | Incredible images from the deepest, darkest | 48:56 | \$2.99 | View In iTunes |

11 Episodes

Viewers Also Bought



[Anthony Bourdain...](#)



[America The Story...](#)



[Human Planet](#)



[MythBusters](#)



[The Blue Planet](#)

[Season 14](#)
[View In iTunes](#)

[Season 1](#)
[View In iTunes](#)

[Season 1](#)
[View In iTunes](#)

[Season 17](#)
[View In iTunes](#)

[Season 1](#)
[View In iTunes](#)

Customer Reviews

The best documentary ever made!

by Awesome-August

I've been waiting for Planet Earth to come on iTunes for over a year! This series is incredible and I am totally gonna buy the whole season! Planet Earth is awesome and is a series that will blow your mind whether you're watching a snow leopard hunting in the Himalayan mountains or a bird of paradise dancing around, trying to impress a female
[...More](#)

Beautiful!

by Nick_McGuire

Looking at nature - I see it as God's creation. Every living thing, every animal, every plant, every being... And just watching these videos...it truly gives me a sence of Peace - A sence of quietness... Most shows nowadays...they don't do that. So much of television is loud, noisy, or much of the time even full of
[...More](#)

Best non-fiction ever! And in HD!

by Dave41195

This is probably the only show that I would buy the entire season of. Completely flawless and spectacular. You don't want to miss a second of this. Buy the whole thing in HD. It's expensive, but you won't regret it.

App Store on Facebook and Twitter



Discover and share new apps. Follow us on @AppStore.



iTunes on Facebook



Discover and share new music, movies, TV, books, and more.



iTunes on Twitter



Follow us @iTunes and discover new iTunes Radio Stations and the music we love.

iTunes

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iTunes Gifts
iTunes U
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AirPlay
Accessibility

Working with iTunes

Overview
Sell Your Content
Enhance Your Content
Market with iTunes
Link to iTunes

iTunes Store

Browse iTunes Store
Browse App Store
Buy Music Now
Buy iTunes Gift Cards
Redeem iTunes Gift Cards
iTunes Corporate Sales
Free Single of the Week

Shop the [Apple Online Store](#) (1-800-MY-APPLE), visit an [Apple Retail Store](#), or find a [reseller](#).

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Exhibit 13



UltraViolet Overview for MPAA Comments in U.S. Copyright Office Docket
No. 2014–07, Re: Exemption to Prohibition on Circumvention of
Copyright Protection Systems for Access Control Technologies
March 2015

Mark Teitell, General Manager & Executive Director, DECE

INTRODUCTION



Why UltraViolet?

Generic "cloud" benefits

UltraViolet benefits



Owning "in the cloud" lets me watch across devices...and not worry about loss

With UV retailers, I get the device reach & features of them all (like my bank ATM!)

When we collect UV titles, we see one single "library" – like our old disc shelf...

UV makes me comfortable because my collection is "portable" – like my mobile phone #





DECE: creator/operator of UV



Partial list from more than 50 members



A collage of logos for various member companies of DECE, arranged in a grid-like fashion. The logos include:

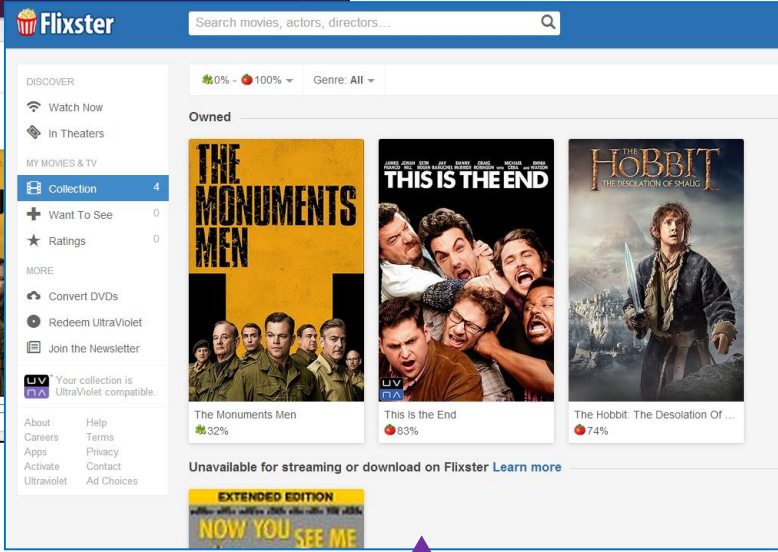
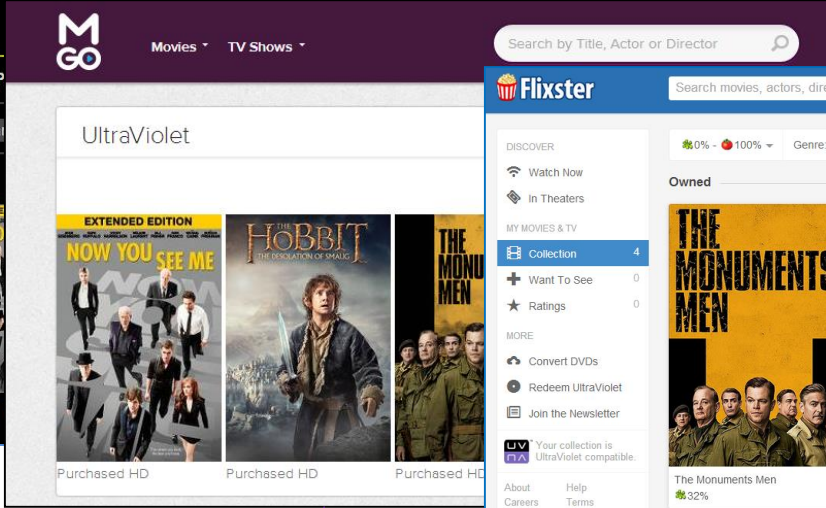
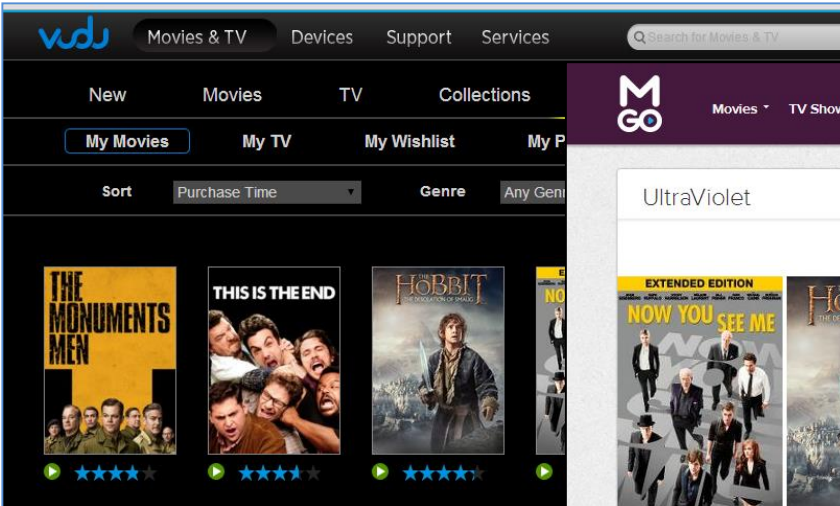
- Top Row:** FOX, NBC UNIVERSAL, SONY, MOTOROLA, Microsoft, neustar, sky, vudu HD Movies
- Second Row:** Panasonic (ideas for life), PHILIPS, intel, Akamai, COMCAST
- Third Row:** TOSHIBA (Leading Innovation >>>), DOLBY, Adobe, WIDEVINE, nook, COX COMMUNICATIONS, verizon
- Fourth Row:** CISCO, ERICSSON, technicolor, CINEPLEX (ENTERTAINMENT), at&t, T-Mobile
- Fifth Row:** SAMSUNG ELECTRONICS, dts Digital Entertainment, CSG INTERNATIONAL, ROGERS, Sprint, Flixster
- Bottom Row:** LIONSGATE, BBC Worldwide, IBM

HOW IT WORKS

The free UV Library



Example: 3 of 10 UV Retailers in US



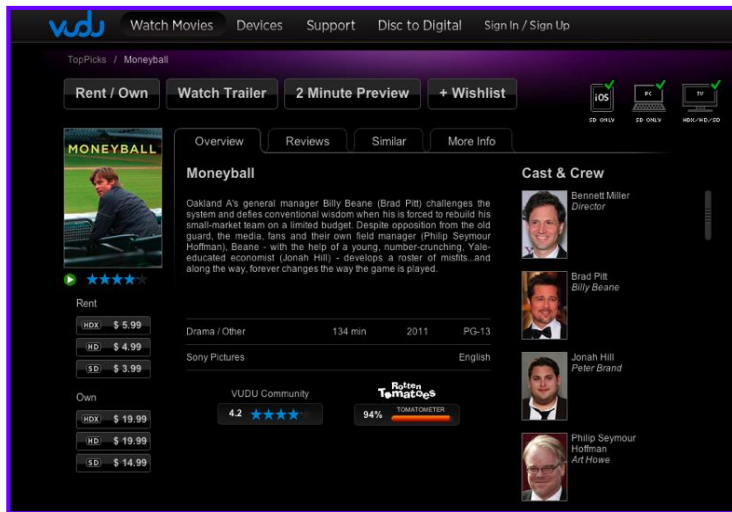
CENTRAL UV ACCOUNT DATABASE – “UTILITY” FOR THE INDUSTRY



3 ways to add new UV titles



Blu-ray and DVD
Redeem your UV code



Online Movie Stores
Shop via websites and apps



Disc-to-Digital
Upgrade your old discs



Search movies, actors, directors...

0% - 100% Genre: All

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Collection 4

+ Want To See 0

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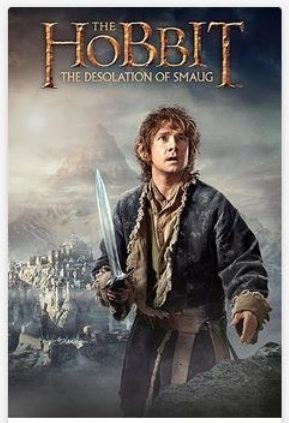
Owned



The Monuments Men 32%



This Is the End 83%



The Hobbit: The Desolation of ... 74%

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- Purchased Man of Steel Blu-ray during lunch hour
- Visiting Flixster from my PC to add to UV Library



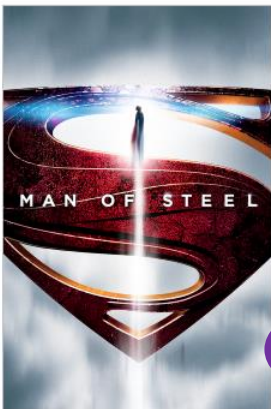
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Add Man of Steel™ to your UltraViolet™ Digital Collection

Now with UltraViolet, your Digital Collection will always be with you to watch and share on computers, smartphones, tablets, game consoles, and connected TVs. Start your Digital Collection by creating your free Flixster and UltraViolet accounts on the next step or log in to existing accounts if you've already signed up.

Enter the redemption code printed on inserts in specially marked Blu-ray and DVD packages.



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UltraViolet safely and securely stores your movie and TV collection in the cloud.



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Flixster lets you stream and download your UltraViolet Digital Collection to your favorite compatible devices.

Redemption Code:

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Redemption valid in the United States only and is not compatible with iTunes. UltraViolet movie includes theatrical version only. © 2013 Warner Bros. Entertainment Inc. and Legendary Pictures Funding, LLC. MAN OF STEEL, SUPERMAN and all related characters and elements are trademarks of and DC Comics.



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Add Man of Steel™ to your UltraViolet™ Digital Collection

Now with UltraViolet, your Digital Collection will always be with you to watch and share on computers, smartphones, tablets, game consoles, and connected TVs. Start your Digital Collection by creating your free Flixster and UltraViolet account, or sign in to your existing accounts if you've already signed up.

Enter the redemption code from your Man of Steel Blu-ray and DVD packages.

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0% - 100%

Genre: All

Sort By: Date Added

A digital copy of Man of Steel has been added to your UltraViolet collection.



Next step: Upload your DVDs and Blu-rays

Watch without the disc, upload your disc collection to Flixster!

Get Started!



Man of Steel

0%



The Monuments Men

32%



This is the End

83%



The Hobbit: The Desolation Of ...

74%

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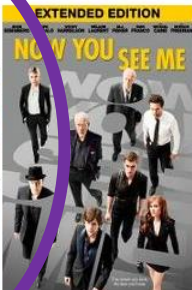


Redeem

UltraViolet



Purchased SD



Purchased HD



Purchased HD



Purchased HD



Purchased SD

- 20 minutes later, at home
- Teenage son using M-GO app on smart TV
- There's *Man of Steel* in our UV Library

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• Now adding *Batman Begins...*

BATMAN BEGINS

Batman Begins (2005)

MPAA PG-13 140 min. | Action

94% 85% Rate Me



Batman Begins explores the origins of the Batman legend and the Dark Knight's emergence as a force for good in Gotham. In the wake of his parents' murder, disillusioned industrial heir Bruce Wayne (Christian Bale) travels the world seeking the means to fight injustice and turn fear against those who prey on the fearful. He returns to Gotham and unveils his alter-ego: Batman, a masked

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Director: Christopher Nolan

Actors: Christian Bale, Michael Caine, Liam Neeson, Katie Holmes, Gary Oldman, Cillian Murphy

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Buy \$9.99

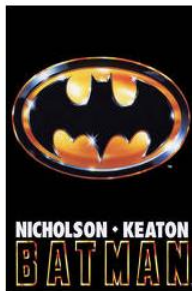
Rent \$1.99

Usage Rights

Also find it on

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See all





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Search by Title, Actor or Director

Redeem Library Watchlist



UltraViolet



Purchased SD



Purchased SD



Purchased HD



Purchased HD



Purchased HD



Purchased SD

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Purchase Time

Genre

Any Genre

Year

Any



★★★★★



★★★★★

Man of Steel UV
PG-13 2013

From Warner Bros. Pictures and Legendary Pictures comes "Man of Steel," starring Henry Cavill in the role of Clark Kent/Superman, under the direction ...

Director: Zack Snyder

Featuring: Henry Cavill, Amy Adams, Michael Shannon, Diane ...

[Watch Now](#) [eGift](#) [More Info](#)



★★★★★



★★★★★

- A few days later
- Using VUDU app on game console at vacation house
- There are our two new UV titles





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- Share My Movies

Sort

Purchase Time

Genre

Any Genre

Year

Any



★★★★★



★★★★★



★★★★★



★★★★★



★★★★★



★★★★★

- At VUDU, I can also get UV download/stream capabilities for movies I already own on disc

← DASHBOARD

Library (6 items)

 🔍 ⌵ ⬆

Batman Begins



Man of Steel



The Monuments Men



Now You See Me (Extended Edition) (en)



The Hobbit: The Desolation of Smaug



This is the End

- At the UV account management portal, I can see everything in my Library...
- ...and link directly to the original retailer or other UV retailers

ULTRAVIOLET STATUS UPDATE



UltraViolet Status – Industry Deployment

As of
3/24/15



Content Providers (13)

16,920 titles

Retailers (17)

Territories (13)



As of 3/24/15

- More than 22M household accounts worldwide and growing steadily
 - Over 19M in U.S.
- More than 125M movies and TV shows added to UV Libraries
- Evidence of high consumer satisfaction and intent to continue use



Exhibit 14



UltraViolet Accounts Top 19 Million

12 Sep, 2014

By: [Erik Gruenwedel](#)

Like 11 people like this. [Sign Up](#) to see what your friends like.

Apple iTunes and Walmart's Vudu.com rank as top digital destinations among UV users, according to the DECE

Consumer interest in cloud-based storage of movies continues to rise, with more than 19 million registered UltraViolet accounts — up 2 million from 17 million accounts at the end of April, a senior executive with the Digital Entertainment Content Ecosystem (DECE) told an industry group.

Speaking Sept. 11 at the ESCA Digital Europe confab in London, Mark Teitell, GM of DECE, the industry consortium that oversees UltraViolet, disclosed there are 1.4 million registered UV accounts in the United Kingdom holding more than 5 million access rights to digital content.

There were about 1.2 million registered accounts in the United Kingdom at the end of 2013, despite no official rollout or promotion, according to the British Video Association. Online reports suggest there are about 160,000 registered UV accounts in Germany, Austria and Switzerland.

Growth of UltraViolet in the U.K. is seen as just beginning with three major retailers set to bow UV-compatible platforms in the next year, according to Teitell.

"The number of U.K. UltraViolet accounts is growing substantially faster than the U.S. even though there has been very little promotion and before any independent retailer has launched with it. There has been strong organic growth, driven by word of mouth and the impact consistent packaging has had on awareness," Teitell said, as reported by *Cue Entertainment*.

Indeed, UltraViolet users are 11 times more likely to have made an electronic sellthrough purchase in the past year, compared to non-users, and four times more likely to own a connected Blu-ray Disc player or other streaming media device, The NPD Group disclosed earlier this year.

"More than one quarter of respondents are buying more content as a result of signing up to UltraViolet, 10% are making more digital purchases and more than a third said they would be more likely to buy digital," Teitell said.

The executive said Walmart's Vudu.com and iTunes rate as the top frequented services among UltraViolet users. Walmart was the first retailer to offer disc-to-digital functionality, which enabled owners of packaged media to access (for a fee) digital versions stored in the cloud.

"Vudu is the second most used service for UV consumers behind iTunes. Home entertainment customers are 15 times more likely to use Vudu if they are a UV user," Teitell said.

The NPD says 61% of users have watched their UltraViolet content on a TV, with Internet-connected TVs and Blu-ray players being the top two devices for the service. Overall satisfaction with UltraViolet is nearly 90%. More than 70% of UltraViolet users report using a computer, and 60% report using a tablet.

"As consumers' ownership of connected devices increases, UltraViolet's role in supporting device interoperability should continue to grow," Justin Bailey, director of industry analysis for NPD, wrote in a blog post earlier this year.

Related Links :

[UltraViolet's Singer: Embrace Disruption](#)

[NPD: UltraViolet Users Buy More Digital Content](#)

[FlixFling Inks EST, UltraViolet Deal With Warner Bros.](#)



About the Author: Erik Gruenwedel

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Exhibit 15



Disney Movies Anywhere Partners With Vudu

17 Nov, 2014

By: [Erik Gruenwedel](#)

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Deal, in effect, links Disney's cloud-based content storage system with industry-backed UltraViolet alternative

Vudu.com has joined Disney Movies Anywhere as a participating retailer, allowing movie fans to access their DMA content through the Walmart-owned digital movie service.

Disney Movies Anywhere (www.disneymoviesanywhere.com), which launched in February with about 400 Disney, Pixar and Marvel titles, utilizes a proprietary cloud-based storage platform, while Vudu is compatible with a number of digital platforms, including UltraViolet — the cloud-based platform supported by other studios.

The agreement coincides with Disney's Nov. 18 launch of the sing-along edition of animated hit *Frozen*, as well as the digital version of Marvel's *Guardians of the Galaxy* (available on disc Dec. 9), which are available through Vudu (www.vudu.com/dma).

"In addition to its robust digital video service, Walmart is a top destination for Blu-ray and DVD purchases, and bringing Disney Movies Anywhere to Vudu enhances the value of those purchases," Janice Marinelli, president of Disney Studio in-home and digital distribution & Disney-ABC content Distribution, said in a statement.

Prior to the deal, some Disney Movies Anywhere codes included with new Blu-rays could also be redeemed at Vudu, allowing consumers to store Disney films at both locations. This new agreement directly links a consumers' accounts to both services.

Disney Movies Anywhere, which bowed with Apple's iTunes iOS operating system, earlier this month expanded availability to Google Play, which uses the competing Android operating system.

For a limited time, users who connect a participating digital retail account receive a free digital copy of Disney's *Wreck-It-Ralph*.

"Vudu's availability across in-home entertainment devices like smart TVs, Roku 3, Xbox One and PlayStation 4 as well as Apple and Android smartphones and tablets means Disney fans can now enjoy their movies on more devices than ever," Jeremy Verba, GM of Vudu, said in a statement.



Related Links :

[Disney Movies Anywhere Comes to Android Devices via Google Play](#)

[Disney Movies Anywhere Adds Pixar Experience](#)

About the Author: Erik Gruenwedel

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Exhibit 16

**MEDIA**

HBO's Streaming Service Will Start in April, Initially on Apple Devices Only

By EMILY STEEL MARCH 9, 2015

HBO has linked with Apple for the start of its much-anticipated Internet streaming service, uniting two premium brands from the media and technology worlds in a quest to reinvent the way people watch television.

Called “HBO Now,” the service does not require a traditional TV subscription and will be available exclusively on Apple devices when it makes its debut in early April, the companies announced on Monday during an Apple product event at the Yerba Buena Center in San Francisco.

Timed to coincide with the start of the new season of its most-watched series, “Game of Thrones,” the service will cost \$14.99 a month and offer all of HBO’s original programming, past and present, as well as its movie offerings. People who subscribe to the service in April through Apple will receive the first month free.

The exclusivity with Apple lasts for three months. HBO also is in talks with other distributors, including traditional TV providers and digital partners.

“This is a transformative moment for HBO,” Richard Plepler, HBO’s chief executive, said from the stage of the Apple event.

Anticipation for HBO’s new digital streaming service has been growing since October, when the company announced plans to start an Internet offering. The new service steps up its rivalry with digital-first streaming outlets like Netflix and Amazon. It also puts more pressure on the established television business, which takes in \$170 billion a year in revenue.

“This is a wake-up call to the industry,” said Rich Greenfield, a media analyst with BTIG Research. “HBO is taking its future into its own hands.”

The new service is part of a growing wave of offerings this year from media, telecom and technology companies. Dish Network, the satellite provider, recently

unveiled a new web-based service that includes ESPN and several other popular networks for \$20 a month. CBS and Sony also are starting Internet-only subscription plans.

The companies are fighting to stay relevant to a generation of so-called cord-cutters or cord-nevers, who pay for Internet access but not traditional TV subscriptions. As its target audience for HBO Now, the network has pointed to the 10 million homes in the United States with web service but no traditional cable or satellite television subscriptions — half of which are estimated to subscribe to a streaming service.

“That is a large and growing opportunity that can no longer be ignored,” Mr. Plepler said.

The partnership with Apple came together at this time last year after HBO surveyed the market and decided that it was time to get into the streaming business. Mr. Plepler said that he called Eddy Cue, the senior Apple executive in charge of brokering deals with media companies, and pitched the idea. Mr. Cue responded by saying that the timing was impeccable.

“We love HBO,” Timothy D. Cook, Apple’s chief executive, said as he introduced Mr. Plepler at Monday’s event. “Over the years they have created groundbreaking shows that have really become a part of our culture and helped shape our culture.”

Both companies are hoping that they will benefit by being in the halo of the other. Apple will market the HBO service as part of its offerings, including its Apple TV product. The company said Monday it had sold 25 million Apple TV devices and that was cutting the price to \$69 from \$99.

HBO’s three-month exclusive with Apple applies only to other digital outlets — not the traditional cable, satellite and telecom companies that currently sell HBO as part of television bundles. HBO said that it was open to offering a stand-alone streaming service with those companies and that while some have been receptive, others have resisted.

“Deals with our distributors are never easy, but to quote from ‘Godfather II,’ ‘This is the business we’ve chosen,’ ” Mr. Plepler said. “Our position to our partners is: Work with us. We want to help you grow your businesses.”

Some analysts said that while the \$14.99 monthly price represented an attempt by HBO to carefully balance relationships with its current distributors, it also could be a tough sell when compared with the offerings at Netflix, which start at \$7.99 a

month. "You had to get to a price point that your distributors couldn't complain about," said Michael Nathanson, a media analyst with Moffett Nathanson Research.

HBO declined to discuss details of the business relationship with Apple. Apple typically takes a 30 percent cut of revenue generated through apps, and it is unclear how that compares with its split with its traditional distributors.

The initiative is part of a broader growth strategy at Time Warner, which took on more importance internally after the company rejected an \$80 billion takeover bid from Rupert Murdoch's 21st Century Fox last summer. That strategy includes exploiting digital business opportunities, increasing original programming, expanding international business and cutting costs across its television and film properties, which also include Turner cable networks and Warner Bros. film studios.

With the new streaming service, Time Warner and HBO will need to tread carefully so as not to cannibalize their core businesses. Both HBO and other television networks in Time Warner's portfolio depend on their relationships with cable and satellite companies for billions of dollars in revenue.

HBO and its sibling network Cinemax added 2.8 million subscribers in 2014, the most in more than 30 years. The two networks counted about 138 million worldwide subscribers, with about 46 million paid subscribers in the United States. Growth in subscription revenue and licensing fees for select original programming helped increase revenue 10 percent, to \$5.4 billion, at HBO last year.

In comparison, Netflix counted 59 million total paid members, 40 million in the United States.

"This is not about short-term 2015 revenues," Mr. Plepler said. "It is about a strategic move for our future and about building flexibility and optionality into our distribution. This is the right move at the right time with the right partner."

A version of this article appears in print on March 10, 2015, on page B3 of the New York edition with the headline: HBO's Streaming Service Will Start in April, Initially on Apple Devices Only.