

**Long Comment Regarding a Proposed Exemption
Under 17 U.S.C. 1201
(Proposed Class #2)**

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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 2: Audiovisual Works—Educational Uses—Primary and Secondary Schools.

The December 12, 2014 Notice of Proposed Rulemaking (“NPRM”) described this proposed class as allowing “kindergarten through twelfth-grade educators and students to circumvent access controls on lawfully made and acquired motion pictures and other audiovisual works for educational purposes.” 79 Fed. Reg. 73,856, 73,860 (Dec. 12, 2014). This proposed exemption is requested 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 Renee Hobbs (Media Information Laboratory at University of Rhode Island), American Library Association, Frances Harris, Sherri Culver, and Media Literacy Now (“Joint K-12 Educators”) submitted the only long-form comment in support of this proposed exemption.

Item 3. Overview

While the Joint Creators and Copyright Owners do not oppose a renewal of the educational exemption for kindergarten through twelfth grade (“K-12”) educators granted in the last proceeding, the broader proposed exemption as stated in the NPRM and in the Joint K-12 Educators’ 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”; (4) by K-12 educators. 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. 17, 2014) (“2014 NOI”).² The Joint K-12 Educators have failed to satisfy their burden to show

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.

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

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 any uses of audiovisual materials other than motion pictures, as defined in 17 U.S.C. § 101. There is scant evidence that the uses made by K-12 students require circumvention. Finally, there is no evidence in the record of a need for K-12 educators to circumvent TPMs 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.

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 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.

Item 5. Asserted Noninfringing Use(s)

The proponents seek an exemption to circumvent the access controls on motion pictures and other audiovisual works in educational settings for any educational purpose. Certainly, many classroom uses of short clips, particularly in courses involving close analysis of films or other motion pictures, would likely constitute fair uses.⁴ 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

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 In 2012, the Register stated that “the use of only short segments is critical to the Register’s determination that a significant number of the desired uses are fair.” 2012 Recommendation at 138.

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. This limitation, included in the current exemption, tailors the exemption to cover only that category of uses that are very likely to constitute fair use.⁶

There is no basis for a broad exemption from Digital Millennium Copyright Act (“DMCA”) requirements simply based on the fact that an audiovisual work is used in the classroom or by a student. Indeed, if even teachers are confused about how the DMCA exemptions apply, as the Joint K-12 Educators suggest, Joint K-12 Educators’ Class 2 Comment at 7, then how can their young students be expected to accurately apply a limited exemption? This argues not in favor of expanding the exemption, but rather to maintaining it with its current limitations.

Indeed, some of the examples of fair uses put forward by the Joint K-12 Educators point to the existence of confusion not only regarding how section 1201 operates, but also regarding fair use principles. The very first purported example of noninfringing student uses proffered by the Joint K-12 Educators is a collection of student-created media projects made available on the “Remix T” website. *See* Joint K-12 Educators Class 2 Comments at 3. However, this site includes many examples that appear to fall beyond that which fair use would permit—in particular “lip-dubs” (which are videos in which the user often takes the entirety of a popular song and creates a new video), and “re-dubs” (where the user takes preexisting video and adds their own sound).⁷ One of the Remix T videos demonstrating redub by students is simply an “a capella” rendition of the *Inception* film trailer. Simply re-creating the voiceover and music of a commercial film trailer is questionable as a fair use. Allowing circumvention by students for these purposes would not only sow confusion about the nature of fair use but would indicate to students that hacking access controls is acceptable as long as they use the material in school.

With an estimated 76 million K-12 students in the United States in 2015,⁸ mistakes or misuse of the exemption by students would have far-reaching consequences for copyright owners. The limitations of the current exemptions should remain in place.

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 In 2012, the Register stated that she “considers the desire to engage in criticism or commentary to be a critical factor in establishing fair use in these contexts.” 2012 Recommendation at 139.

⁷ Lip Dub / Re-Dub, Remix T, <http://learning.nd.edu/remix/projects/LipSync.html>, Exhibit 1 attached hereto.

⁸ *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 2 attached hereto.

Item 6. Asserted Adverse Effects

Existing exemptions already allow K-12 educators involved in teaching situations requiring close analysis of motion pictures 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. *See* 37 C.F.R. § 201.40(b)(4)-(7). The proponents have not demonstrated that access controls are causing substantial adverse effects on noninfringing uses beyond those already addressed by the existing exemptions.⁹

The Joint K-12 Educators do not provide any examples of uses of Blu-ray Discs that differ from the uses that can be made from DVDs or content distributed online. That is not surprising, because nearly everything available on Blu-ray is also available online or on DVD.¹⁰ In the prior proceeding, the Register found that “the few cited uses of Blu-ray exclusive content are insignificant in number” and “the record does not reflect a substantial adverse impact due to the inability to use motion picture materials contained on Blu-ray discs.” 2012 Recommendation at 135. As there are *no* cited uses of Blu-ray exclusive content in the comments supporting the K-12 educational exemption, no expansion of the present exemption is warranted.

The Joint K-12 Educators do generally assert speculative harms such as a “diminished sense of pride” in students and a feeling that “education is not valued in their society” because they are accustomed to high definition television at home but might see a lower quality image at school. Joint K-12 Educators’ Class 2 Comment at 6-8.¹¹ But this hyperbole does not establish that preserving the contours of the current exemptions would result in any substantial adverse effects on the ability of educators or students to make noninfringing uses of audiovisual works. Rather, just as in the prior proceeding, “the record does not support an across-the-board finding

⁹ 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.

¹⁰ In fact, nearly all film and television content released on Blu-ray is also available on DVD and/or through online services. 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. 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.

¹¹ Joint K-12 Educators cite to a television director and producer who credits his success in making an award-winning commercial advertisement to the training in digital video editing he received in high school. Giving students free reign to make “high-quality remixes” is certainly not a requirement for training them in digital video editing. (The Doritos Super Bowl advertisement featured in this story was an original work, not a remix, and there was no evidence that the director learned to edit video by creating remixes rather than original videos.)

that ... all kindergarten through twelfth grade educators need to circumvent protected motion picture formats.” 2012 Recommendation at 140.

In addition, proponents of any exemption are required to “demonstrate that the technological protection measure is the cause of the claimed adverse impact.” 2014 NOI at 55,690.¹² Some of the purported adverse effects highlighted by the proponents exceed the bounds of what this proceeding is designed to address, as they are not even remotely caused by access controls. For example, that students in England have access to a free-of-charge program on critically analyzing and creating films funded by a national film heritage organization while many urban and rural schools in the United States are underfunded, Joint K-12 Educators’ Class 2 Comment at 6, is an issue that would not be solved by any exemption for K-12 schools.

Nor is the fact that some sources of audiovisual content are expensive a problem caused by access controls. Regardless, it appears that the Joint K-12 Educators overstate the cost of at least one service that they criticize – Discovery Education. Although they claim that this service costs more than \$10,000 or more per annual subscription, it appears to be available for only \$1,600 per year/per building, for K-8 schools, and \$2,150 per year/per building for high schools.¹³ For this, schools apparently get unlimited access to over 5,600 videos, and 45,500 content-specific clips, which they can stream or download and edit for presentations and projects.¹⁴ Nor is it the case that this is the only method for obtaining clips from “public broadcasting’s treasure trove of educational documentaries.” Joint K-12 Educators’ Class 2 Comment at 6. PBS provides free access to its PBS LearningMedia site for students and educators, which includes clips from a variety of PBS programs.¹⁵ All of this is available without the need to circumvent.

¹² As noted in the 2014 NOI, “[a]dverse impacts that flow from other sources, or that are not clearly attributable to implementation of a technological protection measure, are outside the scope of the rulemaking.” Report of House Commerce Committee on H.R. 2281, the Digital Millennium Copyright Act, H.R. Rep. No. 105-551, pt. 2, at 37 (1998) (“Commerce Rep.”). “For instance, adverse effects stemming from ‘marketplace trends, other technological developments, or changes in the roles of libraries, distributors or other intermediaries’ are not cognizable harms under the statute.” 2014 NOI at 55,690 (*quoting* 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.”)).

¹³ Purchase, Discovery Education Streaming, <http://www.discoveryeducation.com/what-we-offer/curricular-resources/streaming-digital-media/index.cfm#/Purchase>, Exhibit 3 attached hereto.

¹⁴ Content, Discovery Education Streaming, <http://www.discoveryeducation.com/what-we-offer/curricular-resources/streaming-digital-media/index.cfm#/Content> and Features, Discovery Education Streaming, <http://www.discoveryeducation.com/what-we-offer/curricular-resources/streaming-digital-media/index.cfm#/Features>, Exhibit 3 attached hereto.

¹⁵ Help, PBS LearningMedia, <http://www.pbslearningmedia.org/help/overview/>, Exhibit 4 attached hereto. The media content on the PBS LearningMedia site is searchable by permissions, so educators can clearly see whether a given clip is licensed for streaming, for streaming and

This is only one example of the proponents of expanding the K-12 educational exemption taking a glass-half-empty approach to the explosion of content currently available online. Instead of recognizing that educators and students have greater access to more types of content than ever before, they focus on the limitations of the proliferating number of websites that provide free, readily available and useable clips. Many current sources of streaming and downloading video make classroom use more manageable and facilitate faster and simpler classroom presentations without any need for circumvention because they enable educators to “cue up” multiple clips through Internet browser software and downloaded copies. For example, a teacher 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.¹⁶ 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.¹⁷ Purported problems caused by unreliable Internet connections, slow bandwidth, and “school district-imposed content filters,” Joint K-12 Educators’ Class 2 Comment at 7, are not the types of harms that this proceeding was designed to address.¹⁸

download, or for streaming, download, and modification. See Help: Interacting With Media, PBS LearningMedia, <http://www.pbslearningmedia.org/help/viewing-media/>, Exhibit 4 attached hereto.

¹⁶ 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 5 attached hereto; *Extra! Extra! Vudu’s Extras+ Returns With More Titles!*, VUDUBLOG (April 4, 2014), <http://blog.vudu.com/?p=10895>, Exhibit 6 attached hereto.

¹⁷ See How to Embed Video from YouTube into a PowerPoint Presentation, Exhibit 7 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 8 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 9 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 an educator 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 10 attached hereto. This would help a professor or student prepare a presentation without a need for circumvention.

¹⁸ See 2014 NOI at 55,690 (proponent must show “that as a result of a technological measure controlling access to a copyrighted work, the prohibition is causing, or in the next three years is likely to cause, an adverse impact on those uses”) (emphasis added). “Adverse impacts that flow from other sources, or that are not clearly attributable to implementation of a technological protection measure, are outside the scope of the rulemaking.” Commerce Rep. at 37.

In sum, the Joint K-12 Educators 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).

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 [middle school teacher] 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 [teacher] 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.¹⁹ 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.²⁰ Studies have shown that overall satisfaction with UltraViolet is nearly 90%.²¹
- Disney Movies Anywhere. MPAA member Walt Disney Studios also offers a cloud-based platform for enjoying films released by Disney, Marvel and Pixar.²² 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 Play, and Vudu.²³ 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.

¹⁹ 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 11 attached hereto.

²⁰ 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 12 attached hereto.

²¹ *Id.*

²² <http://www.disneymoviesanywhere.com/>.

²³ 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 13 attached hereto.

- 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.²⁴ 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,²⁵ DISH Network's DISH Online,²⁶ and Verizon's FiOS TV Online.²⁷ Some MVPDs, such as Cox Communications, allow their customers to view certain live television channels within the home via applications for mobile devices.²⁸ 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.

In addition to access offered by portals managed by MVPDs as described above, a growing number of cable networks, including HBO,²⁹ CNN, Cartoon Network, TBS, Cinemax, Showtime, ESPN, The Disney Channel and the Big Ten Network³⁰ 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

²⁴ See Vudu Disc to Digital, http://www.vudu.com/in_home_disc_to_digital.html, Exhibit 14 attached hereto; Flixster Disc to Digital, <http://www.flixster.com/D2D/>, Exhibit 15 attached hereto. Flixster's service is currently in beta form.

²⁵ Watch XFINITY TV Online, <http://xfinitytv.comcast.net/>.

²⁶ DISH Online, <http://www.dishonline.com/>.

²⁷ FiOS TV Online, tv.verizon.com/series.

²⁸ Cox TV Mobile Connect for iPad, <http://itunes.apple.com/us/app/cox-tv-connect-for-ipad/id57696018?mt=8>.

²⁹ HBOGo, <http://www.hbogo.com/>.

³⁰ BTN2Go, <http://www.btn2go.com>.

public to view popular television programming online on the networks' websites or via apps that rely on authentication to identify MVPD subscribers.³¹

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.³² 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,³³ as does CBS.³⁴ Sony has also announced that they will start offering Internet-only subscription plans.³⁵

- **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,³⁶ Amazon Prime,³⁷ Netflix,³⁸ Hulu Plus,³⁹ and AT&T U-verse Live TV.⁴⁰ 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.⁴¹ The website "Where To Watch" provides consumers with information regarding a variety of digital services that make motion pictures available for viewing.⁴²

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.

³¹ E.g., Watch ABC, <http://abc.go.com/shows/abc-updates/news/abc-apps>.

³² 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.

³³ Sling TV, <https://www.sling.com/>.

³⁴ CBS All Access, <http://www.cbs.com/all-access/>.

³⁵ Steele, *HBO's Streaming Service Will Start in April*, *supra* note 32.

³⁶ iTunes Video, <https://www.apple.com/itunes/video/>.

³⁷ Amazon Instant Video, <http://www.amazon.com/Instant-Video/b?node=2858778011>.

³⁸ Netflix, <https://www.netflix.com/us/>.

³⁹ Enjoy More Popular, Current Shows, Hulu Plus, <http://www.hulu.com/plus/content>.

⁴⁰ AT&T U-Verse Live TV, <http://attverselivetv.att.com>.

⁴¹ Warner Archive, <http://instant.warnerarchive.com/>.

⁴² Where To Watch, <http://wheretowatch.com/>.

All of this growth in content distribution is underwritten by the legislative promise of secure and robust protection for such content.⁴³ The DMCA was intended to encourage digital business models – “new ways of disseminating copyrighted materials to users”⁴⁴ – that depend upon robust access control measures in order to increase consumer options and promote the flow of copyrighted materials to the public.⁴⁵ 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.

⁴³ 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* Commerce Rep. at 36.

⁴⁴ Manager’s Rep. at 6.

⁴⁵ 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 2 Comment

Exhibit No.	Content	URL (if available)
1	Lip Dub / Re-Dub, Remix T	http://learning.nd.edu/remix/projects/LipSync.html
2	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
3	Discovery Education Streaming	http://www.discoveryeducation.com/what-we-offer/curricular-resources/streaming-digital-media/index.cfm#/Purchase and http://www.discoveryeducation.com/what-we-offer/curricular-resources/streaming-digital-media/index.cfm#/Content and http://www.discoveryeducation.com/what-we-offer/curricular-resources/streaming-digital-media/index.cfm#/Features
4	PBS LearningMedia	http://www.pbslearningmedia.org/help/overview/ and http://www.pbslearningmedia.org/help/viewing-media/
5	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/
6	<i>Extra! Extra! Vudu's Extras+ Returns With More Titles!</i> , Vudublog	http://blog.vudu.com/?p=10895
7	How to Embed Video from YouTube into a PowerPoint Presentation	
8	About, Movieclips YouTube Channel	https://www.youtube.com/user/movieclips/about
9	Full-length Planet Earth Episodes on YouTube	https://www.youtube.com/playlist?list=PLPcty5IeoOz4KKGWtzdcZHJFhgcdV2dHR6

10	Embed Videos and Playlists, YouTube Help	https://support.google.com/youtube/answer/171780?hl=en
11	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	
12	Erik Gruenwedel, <i>UltraViolet Accounts Top 19 Million</i> , Home Media Magazine	http://www.homemediamagazine.com/digital-evolution/ultraviolet-accounts-top-19-million-34159
13	Erik Gruenwedel, <i>Disney Movies Anywhere Partners With Vudu</i> , Home Media Magazine	http://www.homemediamagazine.com/streaming/disney-movies-anywhere-partners-vudu-34615
14	Vudu Disc to Digital	http://www.vudu.com/in_home_disc_to_digital.html
15	Flixter Disc to Digital	http://www.flixster.com/D2D/
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

http://learning.nd.edu/remix/projects/LipSync.html

File Edit View Favorites Tools

Cultivating Media-Rich Learning Activities

Search

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Lip Dub / Re-Dub

Modify existing media in one of two ways

1. Re-dub - start with video and create new sound.
2. Lip dub - start with sound and create new video.

The original content can be of a celebrity or other person - a speech, an interview, a monologue - or it can come from a movie, TV program, commercial, song, etc.

The new video or sound can try to copy the original, or be completely different for effect.

Copyright is likely to be an issue if the final product is to be published.

Examples

Learn More




Photo by Roadsidepictures - <http://flic.kr/p/5jDixK>







Exhibit 2



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	20,643⁴	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](#)

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Exhibit 3

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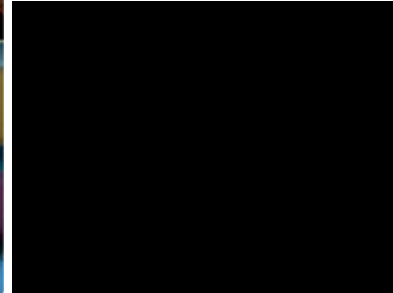
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Ray Waller
High School Teacher, Eleanor Roosevelt HS
Corona-Norco Unified School District, CA

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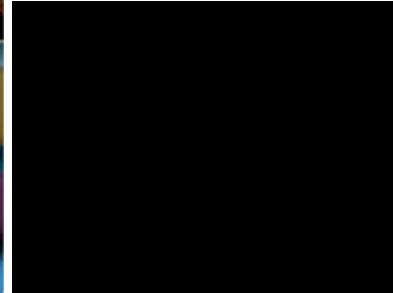
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Lead Teacher/Technology Facilitator, South Delta Middle School, South Delta High School
Anguilla, MS

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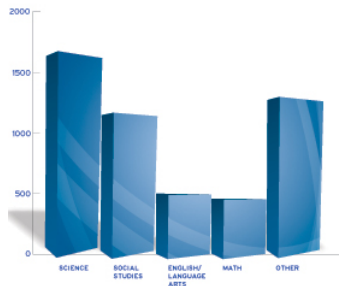
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Curricular Resources	Meet the Curriculum Team	Featured Programs & Contests	Clip Art	
Professional Development	Selecting Content: Our Approach	Contests	Ready Zone H1N1	
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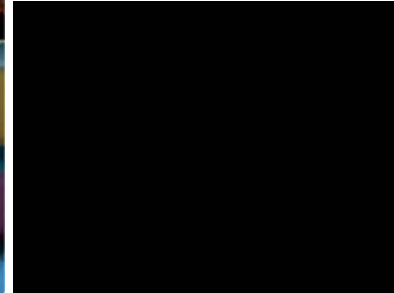
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Linda Foote
Instructional Technology Specialist, Poway Unified School District Poway, CA

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Tools for Differentiated Instruction
Access Closed-Captioning videos, Spanish Language Videos, and edit clips for students' diverse needs



Writing Prompt Generator
Bolster students' composition skills by combining text-based prompts with any image in the Discovery Education Image Library



Quiz Builder
Create quizzes that students can access online and receive results immediately via email



Assignment Builder
Create customized assignments that students can access and complete through the Discovery Education Streaming student center



Student Center
Tailor content to groups of students as well as individuals



Teacher Center
Helpful tools and resources for the teacher such as a Calendar and Lesson Plan Library





Discovery Educator Network



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Curricular Resources	Meet the Curriculum Team	Featured Programs & Contests	Clip Art	
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Assessment Resources	Supporting Common Core	Brain Boosters		
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Exhibit 4



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PBS LearningMedia™ is your destination for direct access to thousands of classroom-ready, curriculum-targeted digital resources. PBS LearningMedia builds on the strength of public media and is designed to improve teacher effectiveness and student achievement. Resources are aligned to Common Core and national standards and include videos and interactives, as well as audio, documents, and in-depth lesson plans. You can browse by standards, grade level, subject area, and special collections. You can also **favorite** and **share** resources with your class and colleagues. Best of all, PBS LearningMedia's basic service is free for PreK-12 educators.

http://www.pbslearningmedia.org/help/viewing-media/#find

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Open in pdfDocs formfiller Open in pdfDocs Desktop Open in pdfDocs compareDocs

How to find downloadable media

- After conducting a search in PBS LearningMedia, scroll down to the *Permitted Use* section in the left side navigation menu and click the **plus sign** to expand the menu. Click a **link** that includes the term *Download* to find all downloadable files related to your search (Figure 1).

Figure 1

Grades
Subject
Media Type
Language
Accessibility Features
Permitted Use
Stream Only (899)
Stream, Download and Share (358)
Stream and Download (287)
Stream, Download, Share, and Modify (132)

1730 results for "air is matter" Sort by: Relevance

Turn images off

AIR IS MATTER
It may not look like much, and we often ignore its effects, but air can be quite powerful. This collection of still images assembled for Teachers' Domain illustrates some of ...
GRADES K-5
PROVIDED BY: WGBH

AIR IS MATTER
Students investigate air and how it is something that occupies space, has mass, and exerts pressure.
GRADES K-2
PROVIDED BY: WGBH

DISCOVERING AIR
This illustrated timeline from NOVA details important discoveries made between 1658 and 1785 as scientists Boyle, Lavoisier, and others investigated the physical properties of gases, including air. Lavoisier's work ...
GRADES 6-12
PROVIDED BY: NOVA

How to share media

- After opening a resource, click the **orange share icon** located on the left side of the resource (Figure 1).

** You must have an active account with each social media site you want to use.*

Figure 1

Average of one rating: 3 stars

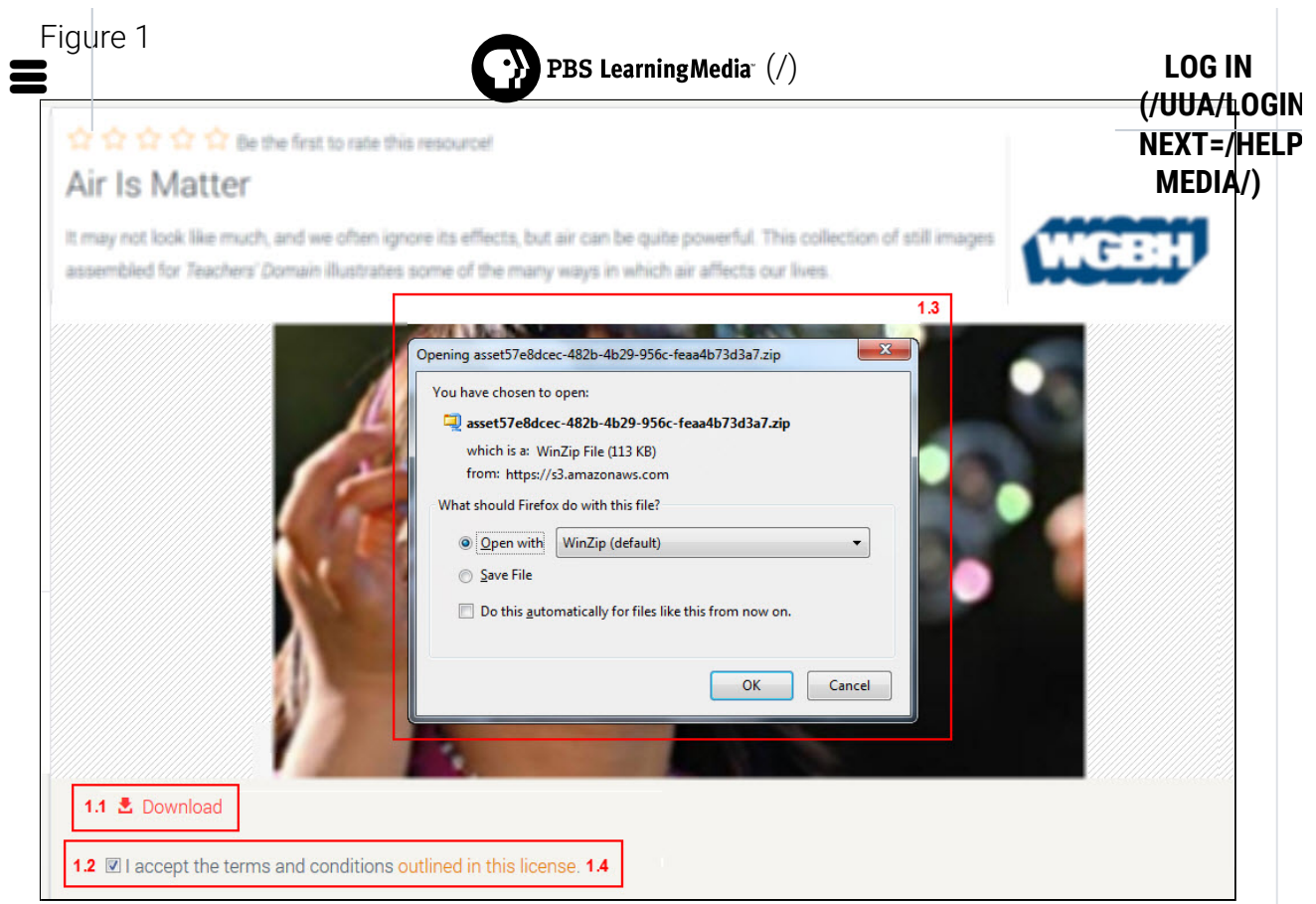
Tracking Dinosaurs

Buddy and Don explore dinosaur tracks. They find the tracks of a dinosaur of the Theropod species, like Buddy, which they can determine because of the three-toed feet! The pair uses their deductive skills to determine the species of the dinosaur!

http://pbskids.org/dinosaurtrain/

Grades PreK-1

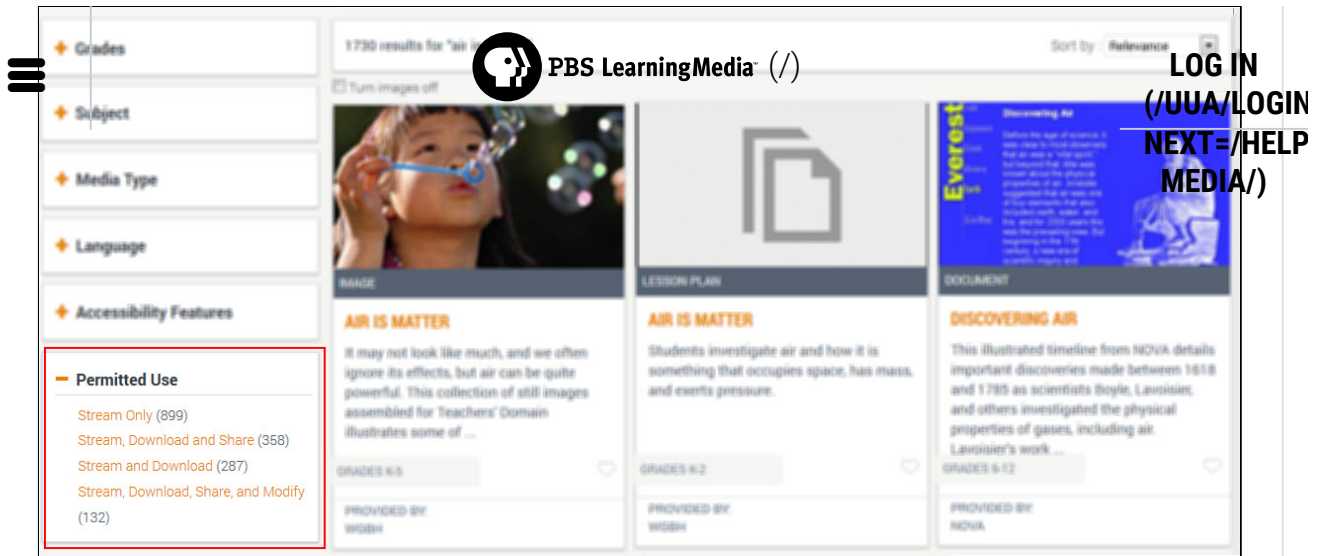
Figure 1



How to find downloadable media

- After conducting a search in PBS LearningMedia, scroll down to the *Permitted Use* section in the left side navigation menu and click the **plus sign** to expand the menu. Click a **link** that includes the term *Download* to find all downloadable files related to your search (Figure 1).

Figure 1

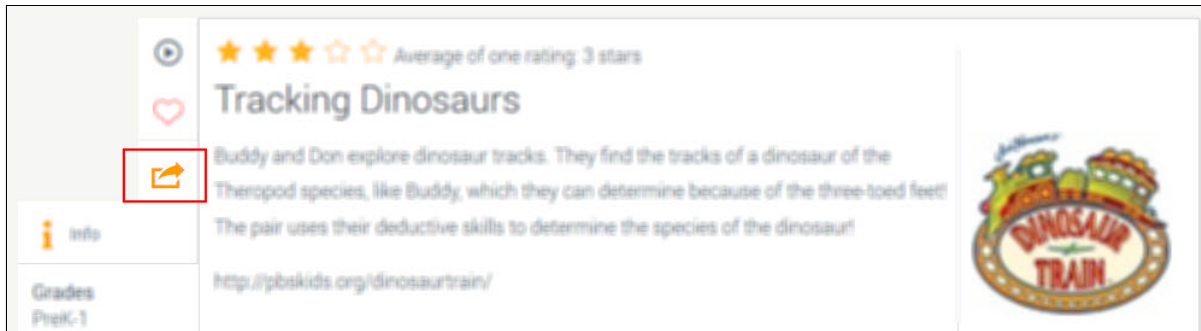


How to share media

- After opening a resource, click the **orange share icon** located on the left side of the resource (Figure 1).

** You must have an active account with each social media site you want to use.*

Figure 1



- Click the **social media icon** you want to use to share the resource (Figure 2).
- A new window opens with the social media site you have chosen. When you are finished, close the window to return to PBS LearningMedia.

Figure 2

Exhibit 5

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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nr_product=revmort&nr_a=taboola&nr_medium=contentmkt&nr_creative=rmtruths&nr_adtype=In variety)

(<http://variety.com/2015/tv/news/bbc-america-to-feel-pinch-of-top-gear-suspension-1201450617/>)

BBC America to Feel Pinch of 'Top Gear' Suspension

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[Variety411: Your production services resource \(http://variety411.com/\)](http://variety411.com/)

Exhibit 6

- [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

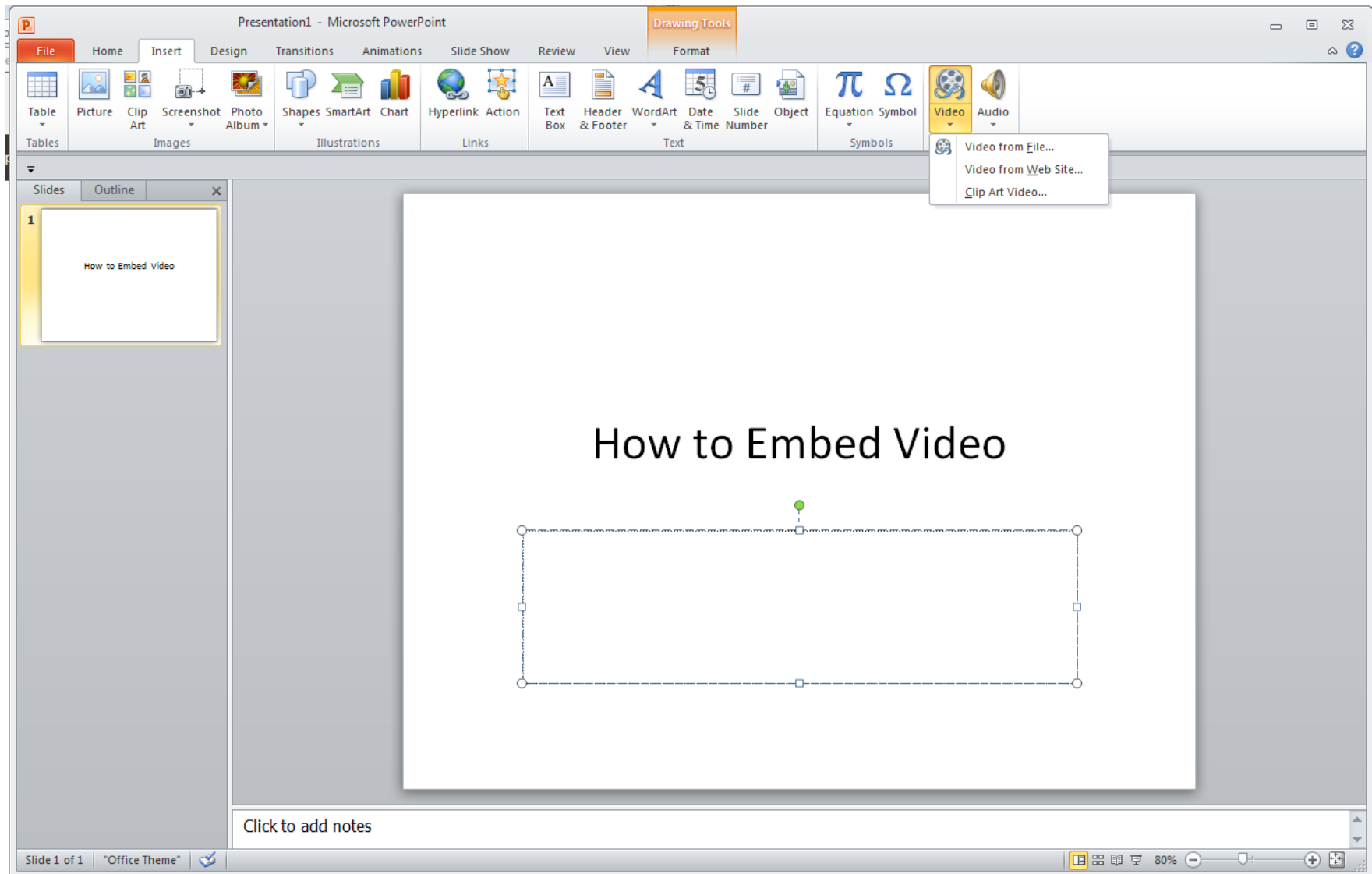
Name (required)

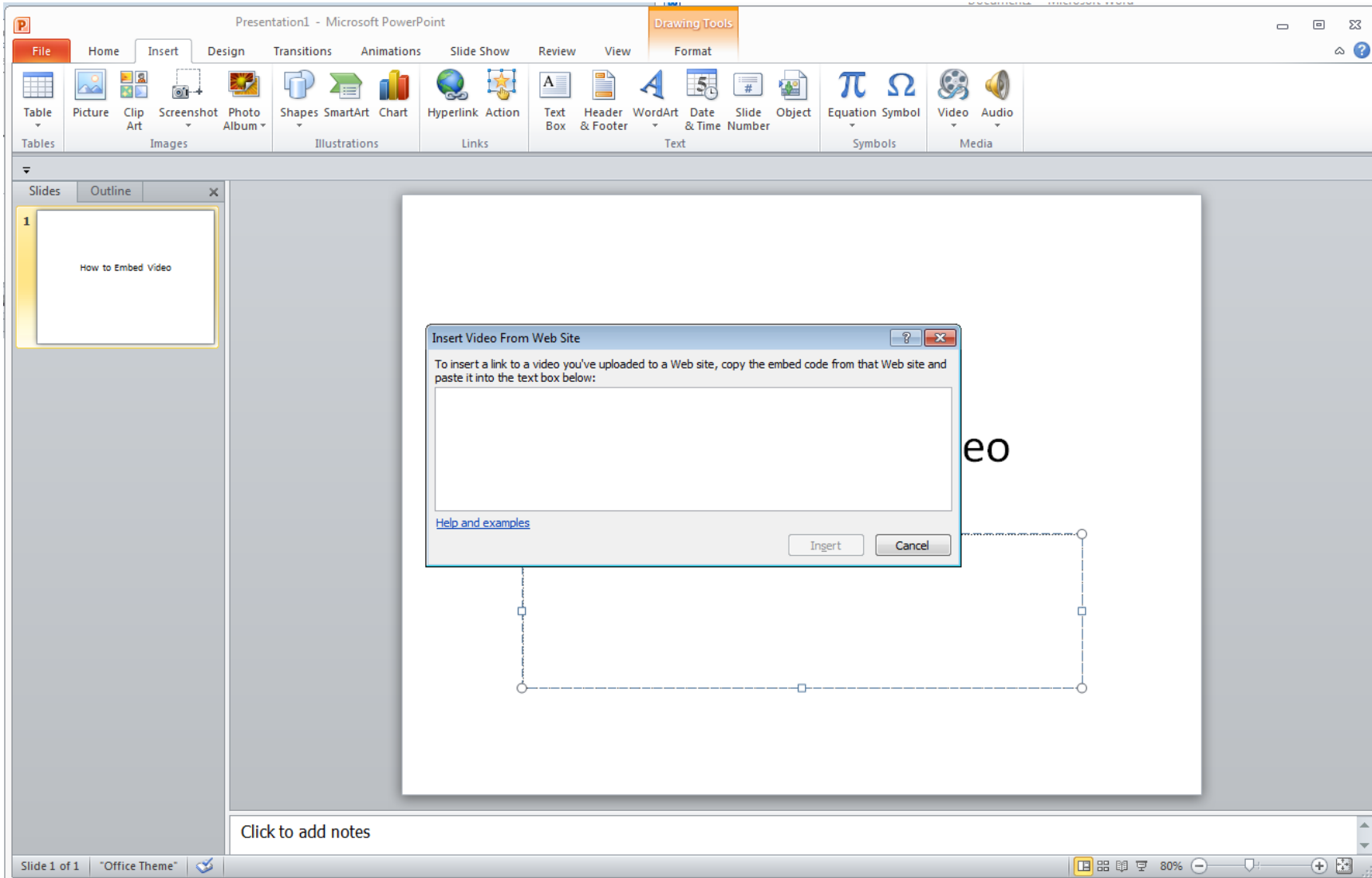
Mail (will not be published) (required)

Website

Exhibit 7

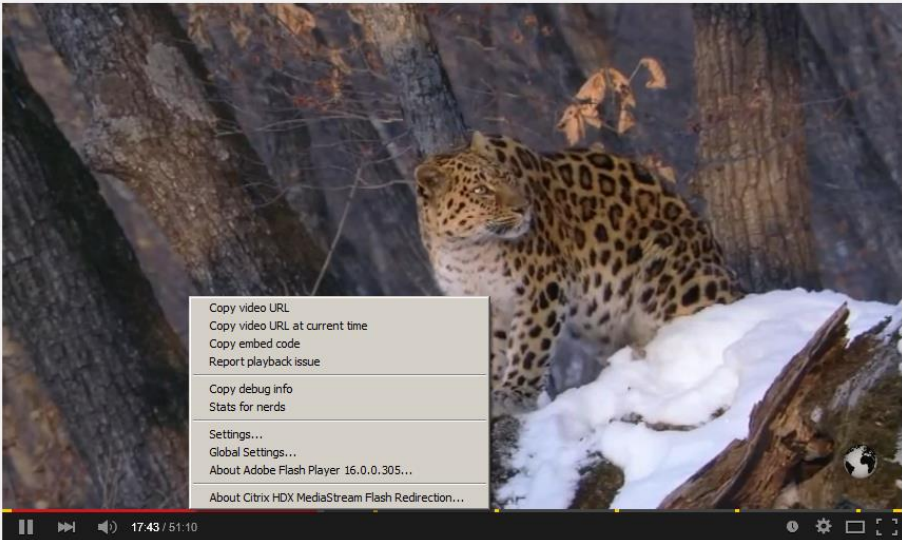
How to Embed Video from YouTube into a PowerPoint Presentation





Browser address bar: <https://www.youtube.com/watch?v=uYnL9OU9ZcQ>

Search: planet earthbbc full episodes episode 1



Context menu options:

- Copy video URL
- Copy video URL at current time
- Copy embed code
- Report playback issue
- Copy debug info
- Stats for nerds
- Settings...
- Global Settings...
- About Adobe Flash Player 16.0.0.305...
- About Citrix HDX MediaStream Flash Redirection...

Planet Earth Episode 1 From Pole to Pole - BBC Documentary

Planet Earth - BBC Documentary

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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

SHOW MORE

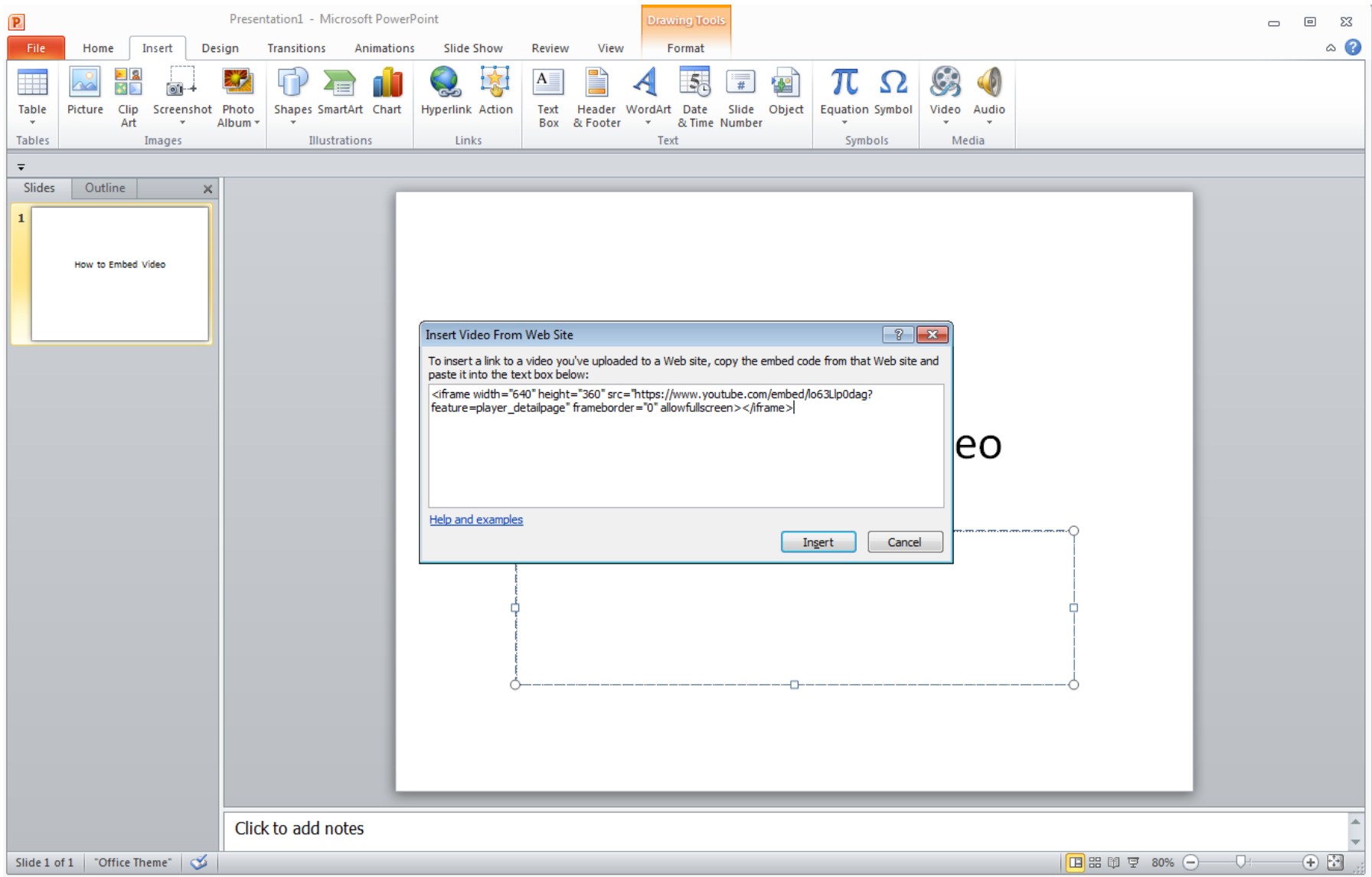
ALL COMMENTS (32)

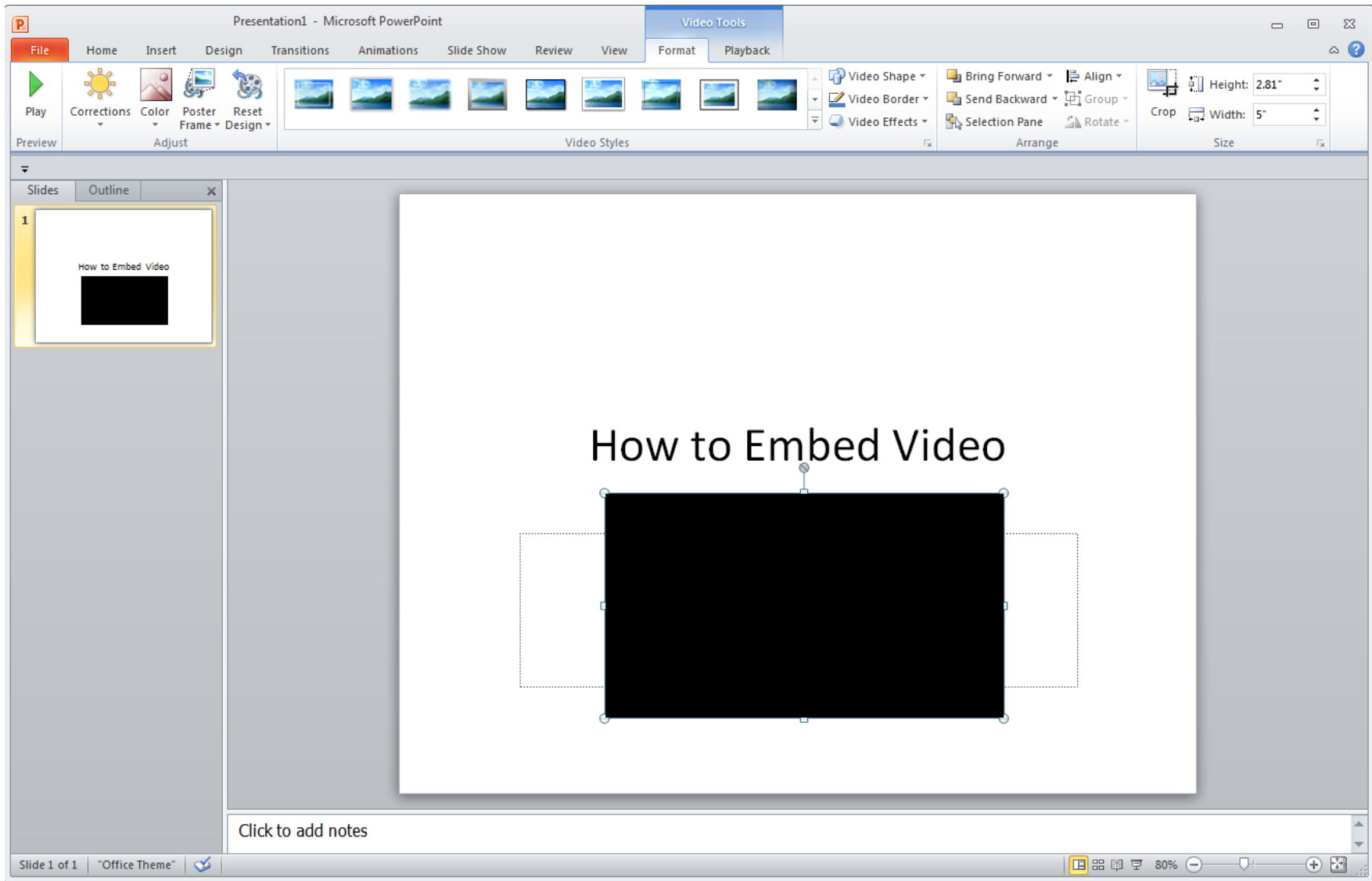
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- Planet Earth BBC Full Episodes by BBC Documentary Planet Earth
- Planet Earth Episode 8 Jungles - BBC Documentary by Planet Earth - BBC Documentary 31,935 views
- Planet Earth Episode 9 Shallow Seas - BBC Documentary by Planet Earth - BBC Documentary 25,013 views
- [BBC Documentary] The Baking Deserts David Attenborough - NEW ANIMAL by Helaine Hallon 10,986 views
- Fresh Water Planet Earth BBC Documentary by Planet Earth - BBC Documentary Recommended for you
- Planet Earth Episode 10 Seasonal Forests - BBC Documentary by Planet Earth - BBC Documentary 20,439 views
- Planet Earth Episode 7 Great Plains - BBC Documentary by Planet Earth - BBC Documentary 15,888 views
- Planet Earth Episode 5 Deserts - BBC Documentary by Planet Earth - BBC Documentary 24,956 views
- Planet Earth Episode 4 Caves - BBC Documentary by Planet Earth - BBC Documentary 24,876 views





How to Embed Video













Exhibit 8

Upload

Sign in

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-  Music
-  Sports
-  Gaming
-  Education
-  Movies
-  TV Shows
-  News
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Sign in



MOVIECLIPS

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The MOVIECLIPS channel is the largest collection of licensed movie clips on the web. We love movies so much that we have gone through thousands of moments, scenes and famous lines from all of your favorite films. Whether it's action, comedy, drama, western, horror, or any other genre, MOVIECLIPS moments that stay with you long after you leave the theater. So Watch, Discuss, Share, Enjoy and don't forget to Subscribe!

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Network statistics	314 channels	53,582 videos
	7,215,431,434 views	10,435,461 subscribers

Language: English

Country: Worldwide

Safety: Off

History

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- Terms Privacy Policy & Safety Send feedback Try something new!

Exhibit 9

What to Watch

BEST OF YOUTUBE

- Popular on YouTube
- Music
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- Gaming
- Education
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- TV Shows
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Sign in now to see your channels and recommendations!

BBC Documentary Planet Earth

Videos **Playlists** Channels Discussion About

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Planet Earth BBC Full Episodes

by BBC Documentary Planet Earth • 23 videos • 98,552 views • Last updated on Mar 17, 2015

Planet Earth BBC Documentary Film Full Episodes. Planet Earth is a 2006 British television series produced by the BBC expensive nature documentary series ever commissioned by the BBC ... more

- 1 **100 Greatest Discoveries Episode 1 Astronomy | Documentary**
- 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**
- 10 **Planet Earth Episode 3 Fresh Water - BBC Documentary**
- 11 **Planet Earth Episode 4 Caves - BBC Documentary**
- 12 **Planet Earth Episode 5 Deserts - BBC Documentary**
- 13 **Planet Earth Episode 6 Ice Worlds - BBC Documentary**
- 14 **Planet Earth Episode 7 Great Plains - BBC Documentary**
- 15 **Planet Earth Episode 8 Jungles - BBC Documentary**
- 16 **Planet Earth Episode 9 Shallow Seas - BBC Documentary**

What to Watch

BEST OF YOUTUBE

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- Education
- Movies
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- News
- Live
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Browse channels

Sign in now to see your channels and recommendations!

17 Planet Earth Episode 10 Seasonal Forests - BBC Documentary
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** ▼

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Exhibit 10



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 11



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



The image displays a collection of logos for member companies, organized into four main vertical sections:

- Section 1 (Leftmost):** FOX, NBC UNIVERSAL, Paramount (A VIACOM COMPANY), Sony Pictures Home Entertainment, Warner Bros., Lionsgate, and BBC Worldwide.
- Section 2:** SONY, MOTOROLA, Panasonic (ideas for life), PHILIPS, TOSHIBA (Leading Innovation >>>), CISCO, and SAMSUNG ELECTRONICS.
- Section 3:** Microsoft, neustar, intel, Akamai, Adobe, WIDEVINE, deluxe, DOLBY, ERICSSON, technicolor, dts Digital Entertainment, CSG INTERNATIONAL, and IBM.
- Section 4 (Rightmost):** sky, COMCAST, vudu HD Movies, nook, COX COMMUNICATIONS, verizon, at&t, CINEPLEX (ENTERTAINMENT), Rogers, Sprint, and Flixster.

HOW IT WORKS

The free UV Library



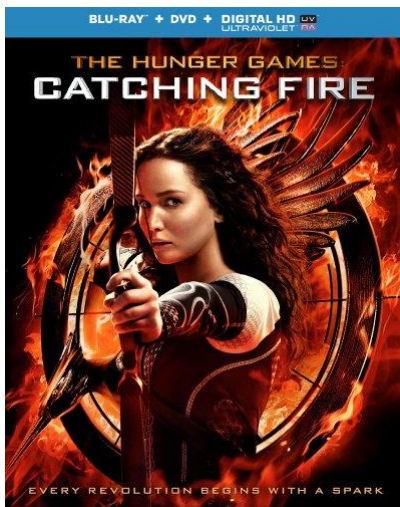
Example: 3 of 10 UV Retailers in US

The image displays three overlapping screenshots of digital media retailers: Vudu, MGO, and Flixster. Vudu (left) shows a 'My Movies' section with titles like 'The Monuments Men', 'This is the End', and 'The Hobbit: The Desolation of Smaug'. MGO (middle) shows an 'UltraViolet' section with the same titles, each labeled 'Purchased HD'. Flixster (right) shows a 'Owned' section with the same titles, each with a UV compatibility percentage: 'The Monuments Men' (32%), 'This is the End' (83%), and 'The Hobbit: The Desolation of Smaug' (74%). Purple double-headed arrows connect the movie titles across the three interfaces, indicating a shared database. A text box in the top right corner notes 'Example: 3 of 10 UV Retailers in US'.

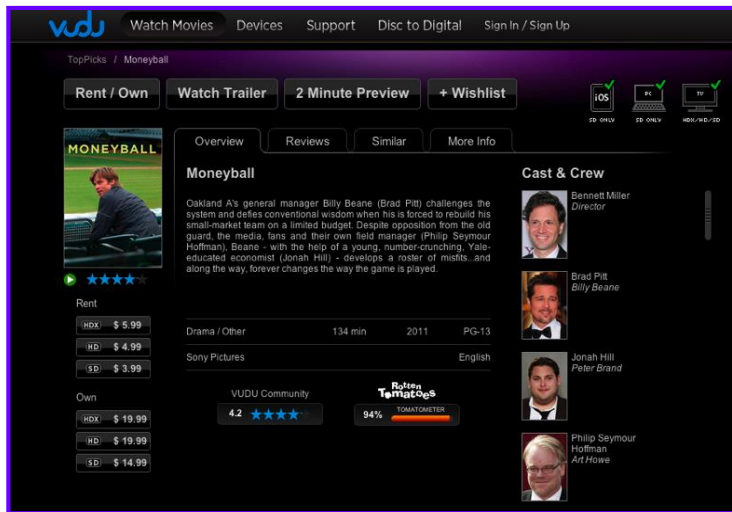
CENTRAL UV ACCOUNT DATABASE – “UTILITY” FOR THE INDUSTRY



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

DISCOVER

Watch Now

In Theaters

MY MOVIES & TV

Collection 4

+ Want To See 0

★ Ratings 0

MORE

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Redeem UltraViolet

Join the Newsletter

Your collection is UltraViolet compatible.

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- UltraViolet
- Help
- Terms
- Privacy
- Contact
- Ad Choices

Owned



The Monuments Men 32%



This Is the End 83%



The Hobbit: The Desolation of ... 74%

Unavailable for streaming or download on Flixster Learn more



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



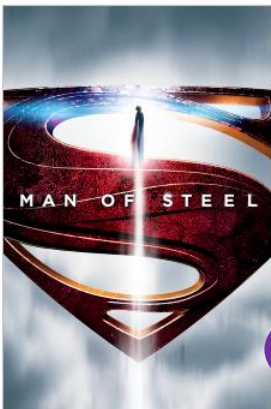
Hi, Mark (Not you?)

Need Help?

Enter Code

Sign Up / Login

Watch



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.



UltraViolet™

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



Flixster

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

Redemption Code:

9QH34Q77VY4X

Continue

[Need help with your redemption code?](#)

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.



Hi, Mark (Not you?) [Need Help?](#)


Enter Code [Sign Up / Login](#) [Watch](#)

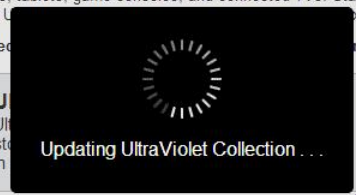


Add Man of Steel™ to your UltraViolet™ Digital Collection

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 by logging into existing accounts if you've already signed up.

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

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



Redemption Code:

[Continue](#)

[Need help with your redemption code?](#)



Search movies, actors, directors...

Mark

DISCOVER

Watch Now

In Theaters

MY MOVIES & TV

Collection 5

+ Want To See 0

★ Ratings 0

MORE

Convert DVDs

Redeem UltraViolet

Join the Newsletter

Your collection is UltraViolet compatible.

- About
- Careers
- Apps
- Activate
- UltraViolet
- Help
- Terms
- Privacy
- Contact
- Ad Choices

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%

Unavailable for streaming or download on Flixster [Learn more](#)





Movies ▾

TV Shows ▾

Search by Title, Actor or Director

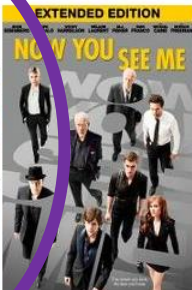


Redeem

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

Watch

Movies
TV Shows
Deals

Devices

Smart TVs
Tablets
Media Players
Computers

Help

FAQs
Contact Support
Getting Started
Product Guide
Hot Topics

About

Life at M-GO
Jobs at M-GO
Leadership Team
Press
Blog

Stay
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Facebook
Twitter
YouTube



Movies ▾ TV Shows ▾

Search by Title, Actor or Director 🔍

Redeem Library ▾ Watchlist



• 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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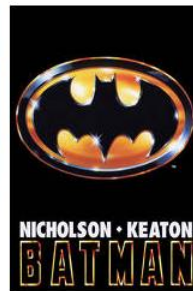
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★★★★★

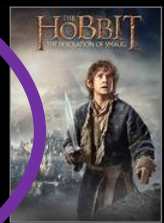
Man of Steel UV
PG-13 2013

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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★★★★★



★★★★★



★★★★★

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

← DASHBOARD

Library (6 items)

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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 12



UltraViolet Accounts Top 19 Million

12 Sep, 2014

By: [Erik Gruenwedel](#)

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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 13



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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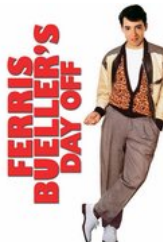
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Exhibit 14

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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Exhibit 15

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 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.