

Note: Please submit a separate comment for each proposed class.

This is a Word document that allows users to type into the spaces below. The comment should be no more than one page in length (which may be single-spaced but should be in at least 12-point type). The italicized instructions on this template may be deleted.

Short Comment Regarding a Proposed Exemption Under 17 U.S.C. 1201

Item 1. Commenter Information

David Labovitch – Chicago, IL

Item 2. Proposed Class Addressed

Section 1201 Exemptions to Prohibition Against Circumvention of Technological Measures Protecting Copyrighted Works – CLASS 23

Item 3. Statement Regarding Proposed Exemption

I support creating an exemption from the DMCA to allow the continued usage of purchased video games and similar media/content after the publisher has ceased to support the software and/or servers. In recent times many if not most games require online servers to play.

There are many legitimate reasons that games need to "phone home" – authentication, match making, updates, etc. However operating these game servers also costs money and studios are forced to eventually abandon the servers for economic reasons. However, once a publisher has decided to abandon a game, paying customers should not have their access to the game taken away.

Virtually any other form of entertainment does not a "shelf life" – DVDs, CDs, downloaded movies, music, television shows, etc are all still usable for decades after purchase. Prior to this recent push towards "always online" requirements, video games were playable for years after purchase, just like other media. I continue to play games that I purchased many years ago – for example I still play a Playstation 2 game that was released in 2003. I continue to play a PC game I've played since DOS days – it was released in 1994! There are dozens of other games I come back to from time to time, and it would be a shame if I cannot continue to do so with games I have legally purchased.

PRIVACY ACT ADVISORY STATEMENT Required by the Privacy Act of 1974 (P.L. 93-579)

The authority for requesting this information is 17 U.S.C. §§ 1201(a)(1) and 705. Furnishing the requested information is voluntary. The principal use of the requested information is publication on the Copyright Office website and use by Copyright Office staff for purposes of the rulemaking proceeding conducted under 17 U.S.C. § 1201(a)(1). NOTE: No other advisory statement will be given in connection with this submission. Please keep this statement and refer to it if we communicate with you regarding this submission.