

Docket (/docket/COLC-2023-0004) / Document (COLC-2023-0004-0054) (/document/COLC-2023-0004-0054)
/ Comment

 PUBLIC SUBMISSION

Class 6(b) - Reply - Anonymous

Posted by the **U.S. Copyright Office** on Mar 20, 2024

View More Comments 51 (/document/COLC-2023-0004-0054/comment)

View Related Comments 105 (/docket/COLC-2023-0004/comments)

Share ▼

Comment

As an individual familiar with the retro video game market and the issues faced with preservability, I believe that an TPM circumvention exemption for lawfully acquired video games and software for the purpose of enabling or restoring compatibility with hardware or software would be beneficial to consumers and likely constitute fair use. There is currently an exemption for video games that no longer have existing authentication servers, and I believe that an exemption for restoring or enabling compatibility would follow the same idea of preserving media that are restricted by technological problems. One argument against increasing the preservability and accessibility of games and programs that are limited by their aging technological requirements is that it removes opportunities for publishers to release compilations or remakes of older titles or applications. However, in recent years, many publishers have been criticized for lackluster remakes or compilations that are described by many as "bare bones" or "lazy." One prominent example is Grand Theft Auto: The Trilogy – The Definitive Edition, which was widely panned by critics and widely considered inferior to the original games it included. With the competition from their previous work, publishers would be incentivized to create and release higher quality remakes and compilations to create value for the re-release for consumers who could cheaply and easily obtain an original copy instead, increasing the quality of products available to consumers. In addition, being able to bypass TPMs for compatibility would likely increase the value of older games and programs, since the amount of people capable of using or consuming the product would increase. Another argument against this petition would be that it would damage the secondhand market for these media and increase piracy. As stated earlier, I believe that increasing the compatibility would increase the value of legitimate copies and boost business. As well, the amount of effort involved to correct compatibility issues on a legitimate copy would deter casual pirates, who could obtain a functional copy with less effort by illegal means.

One reading of section 1201 (f) is that most circumvention of TPM's for compatibility purposes is legalized as reverse engineering. Despite this, major companies continue to harass people involved in legitimate reverse engineering projects with threats of legal action, knowing that said people could not afford the litigation. A designated exemption would help protect the activities of talented individuals who dedicate their time to the development of public tools to expand the accessibility of software and games.

Comment ID

COLC-2023-0004-0095



Tracking Number

Iss-5wtq-vu30

Comment Details

Submitter Info

Submitter Name

Anonymous Anonymous



Your Voice in Federal Decision Making

- [About \(/about\)](#)
- [Bulk Data Download \(/bulkdownload\)](#)
- [Agencies \(/agencies\)](#)
- [Learn \(/learn\)](#)
- [Reports \(/resources.regulations.gov/public/component/main?main=Reports\)](#)
- [FAQ \(/faq\)](#)

[Privacy & Security Notice \(/privacy-notice\)](#) |
 [User Notice \(/user-notice\)](#) |
 [Accessibility Statement \(/accessibility\)](#) |
 [Developers \(https://open.gsa.gov/api/regulationsgov/\)](https://open.gsa.gov/api/regulationsgov/) |
 [FOIA \(https://www.gsa.gov/reference/freedom-of-information-act-foia\)](https://www.gsa.gov/reference/freedom-of-information-act-foia)

[Support \(/support\)](#) |
 [Provide Site Feedback](#)