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July 16, 2012.

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

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

(For all witnesses who testified relating to proposed Classes 7 and 8): The screen capture products "Replay Video Capture" offered by Applian, as well as "Jing," "Camtasia," and "Snagit" offered by Techsmith, have been referred to in the record as potentially viable alternatives to circumvention which diminish or remove the need for several of the requested exemptions. Please state and explain your position as to whether and why (or why not) one who uses the current version of any of the above named screen capture products in order to copy all or part of a copyrighted motion picture "circumvent[s] a technological measure that effectively controls access to a work protected by this title" in violation of 17 U.S.C. § 1201(a)(1)(A).

Dear Mr. Carson,

I do not know enough about the back-end functioning of the specific programs to determine whether or not they employ DeCSS or another method of circumventing technological measures in order to capture video. But I would briefly like to reiterate that there are several reasons why screen capture cannot be seen as a substitute for circumvention.

1) First, screen capture programs can be and regularly are blocked by technical protection measures. Since Apple released its Lion operating system (version 10.7) in July 2011, it has blocked many screen capture programs, including the popular SnapZ, from copying DVDs. Other software, such as Haihaisoft's DRM-X, is marketed to content owners as another screen capture blocking tool. A brief survey of online discussion forums suggests that the most common workaround is to play media using the unlicensed decryption program VLC and then capture the video. This



process, of course, requires circumvention of technical protection measures. So in many cases, using a screen capture program requires a user to first decrypted a work.

2) Second, as I have stated in written and oral testimony, screen capture software is still not up to the task of making clips suitable for teaching purposes. Screen captured video skips frames, introduces pixilation, and distorts images. Many screen capture programs also have technical limitations. The program Camtasia, for example, notes that it is limited to 1280 x 1024 pixels, far short of Blu-ray's 1920 x 1080 resolution. It will also not make WMV files, so it is incompatible with PowerPoint—virtually disqualifying it for educational use. SnapZ Pro will only capture at a maximum rate of 30 frames per second, where Blu-ray can be close to double that. Most other programs are closer to 15fps. Even putting these absolute limitations aside, the quality of screen captures are consistently poor.

I hope that you will agree that screen capture remains an insufficient alternative to decryption.

Thank you,

A handwritten signature in black ink, appearing to read "Peter Decherney", with a long, sweeping flourish extending to the right.

Peter Decherney
Associate Professor and Director, Cinema Studies Program