

March 21, 2014

U.S. Copyright Office
1010 Independence Ave., S.E.
Washington D.C. 20559-6000

To Whom It May Concern at the U.S. Copyright Office;

As a consumer and U.S. citizen I have witnessed firsthand the expansion of copyright terms since passage of the 1998 Digital Millennium Copyright Act as well as abuses of the DMCA by copyright holders to prevent fair use of purchased products (case in point Lenz v. Universal a case by a mother against Universal Music for abusing DMCA to shut down fair use). It used to be that companies were given for a brief term of four to five years exclusive ownership of copyrighted material after which period if they wanted to maintain copyright they had to re-apply and to provide valid justification for doing so. In these days when a copyrighted work's copyright expired it was allowed to enter the public domain and be made freely available to the public. These days though copyright licenses are generally extended into perpetuity. I have also noticed companies using draconian Digital Restrictions Management technologies (they call it Digital Rights Management) to restrict fair use of a product purchased by consumers. These companies have gone mad with power and not only want indefinite copyright terms to continue but to be able to dictate how we use their products or services.

The Motion Picture Association of America which has increasingly become paranoid with illegitimate piracy has even gone so far as to use the government to aggressively police copyright to the detriment of consumers. The U.S. Department of Homeland Security which was formed after 9/11 by merging some pre 9/11 agencies to combat terrorism has become a tool of the MPAA in its overzealous fight in the war against piracy taken to an extreme. I do not advocate for piracy and am willing like most consumers to pay for my media whether music, movies, games etc but will not tolerate being treated like a criminal for wanting to exercise my fair use rights.

That being said outrageously the Department of Homeland Security or DHS recently interrogated an individual who went to a movie theater with prescription Google Glasses.

He had turned his Google Glasses off and was only using them as regular prescription glasses to see but this was unacceptable to the MPAA and by extension DHS. In fact the MPAA mad with power has begun proposing that movie theaters tighten security to prevent anyone from entering with possible recording devices to the detriment of consumers. They are proposing to implement the same controversial and in some cases unnecessary and unlawful (well unconstitutional) searches in movie theaters of movie goers that the Transportation Security Administration or TSA since 9/11 has been subjecting air-line passengers to. Frankly, I go to a movie theater to relax and enjoy myself by watching a good movie. If they are going to treat all consumers with suspicion and treat me like a criminal then I won't go to their movies.

I refuse to be treated like a criminal and will boycott going to movie theaters or buying or renting any of their movies in future. In some cases the MPAA is so greedy that even when they do well they attribute piracy to their not doing even better. For example, in 2012 there were plenty of great blockbuster films in theaters and they made a lot of money but they didn't make as much as they wanted to - they estimated they would earn more than they did and blamed piracy for not earning more. I was like you made billions of dollars and your complaining you did not earn hundreds of billions or trillions. Furthermore, the economy has been in somewhat of a rut the last few years and had only just started recovering since 2009-2010. Even when the economy was poor they expect to make a lot of money.

Furthermore, a big problem with the entertainment industry is their unwillingness to adapt to new technologies. They cling to outdated business models which they are determined to protect at all costs. Take the broadcast industry for example that is suing Aerero a startup that is revolutionizing TV and making it easier for consumers wanting to disconnect from pay TV services to save money by ditching expensive bundled TV for a la carte TV services online. Aerero represents the future of TV but the broadcasters unwilling to change are suing to shut down Aerero. These dinosaurs either need to adapt or be allowed to die. The government should not be protecting them yet the Obama Administration through the Justice Department is siding with the broadcasters as their appeal in the legal case involving Aerero heads to the U.S. Supreme Court.

In what way is retransmitting free over the air broadcast TV signals over the Internet theft of copyright? The entire legal argument against Aerero is ridiculous. Unfortunately, the big broadcast giants have forgotten the airwaves they were given were

provided by the government on the condition they serve the public interest. Originally, their TV stations were supposed to be free over the air for users with an antenna and last I checked still are but when Congress passed the 1992 Cable Act allowing retransmission consent in which pay TV providers have to pay broadcast networks to carry their channels it eventually resulted in broadcast companies double dipping. Originally they would make money just from advertising since their channels were free over the air but now can make money through retransmission consent.

Unfortunately, each year they are getting greedier and greedier demanding pay TV providers pay them more and more for retransmission consent resulting in the service providers having to charge users more for service. The broadcast companies are even threatening if Aereo wins at court to shut down their free over the air TV signals to cripple Aereo. If they can't do it legally they'll deny the company access to content. So even if Aereo wins legally it and consumers could still lose out.

I would rather have a la carte TV and only pay for the channels I want than have to pay for stuff I don't watch but the pay TV providers have no choice. If a pay TV provider wants to carry the popular kids channel Nickelodeon and the channel E from Viacom they have to carry less popular channels like Oxygen. Also the content providers each year increase retransmission consent fees. Frankly, I would prefer to have an antenna for free over the air TV and Internet for everything else. Yet many cable TV providers are also Internet providers and to protect their bundled pay TV business which unfortunately cannot compete with a la carte online in the absence of Net Neutrality they can discriminate against online video competitors.

The biggest fear of the entertainment industry is the public domain becoming a digital library for content. For years the entertainment industry and publishers have been trying to stifle digital libraries from coming up. They hate the idea of sharing culture and shared content. Furthermore, they seem to want to force users to re-pay for their media over and over again. Sorry consumers but that movie you purchased on VHS needs re-purchasing on DVD to play on DVD Players you cannot convert it to DVD yourself. Want to upgrade to Blu Ray again you need to re-purchase your film collection in Blu Ray which locks down content and seeks to strip users of fair use rights. Want your movies to play on an Apple iPad, iPod (whether the click wheel models or iPod Touch), iPhone or via a TV with Apple TV (1st gen, 2nd gen or newer) you need to purchase them from iTunes Store. You should not be allowed according to them to rip your DVD into your computer

to copy the movie from disc to a digital format that plays on your tablet and other mobile devices. If you want your movies to play on Microsoft's Xbox or Surface tablets and you've already purchased via iTunes your out of luck as you'll need to pay again. No time shifting or place shifting in their minds should be allowed. Also if your disc gets scratched you should be forced to buy a new disc containing that movie again no backups allowed for personal noncommercial home use.

That being said I am willing to respect sane and reasonable copyright but think that copyright has become too powerful and something needs to be done. Consumers fair use rights need to be respected. Increasingly, I have noticed when one wants to buy movies or TV shows the only way to acquire content without DRM locks or restrictions is to do so illegally by downloading pirated copies of movies and TV shows.

Like other consumers in support of fair use I am willing to pay a reasonable fee for media but without the restrictions. If I have to download a movie illegally to get a DRM free copy I will either not get the movie at all or get the pirated copy rather than pay for a crippled product. For these reasons I have refrained from even purchasing e-books and supported the Free Software Foundation's campaign against the Amazon Kindle which they maintain is a Swindle and against the Barnes & Noble Nook for being a Crook in its use of DRM. Until these companies start respecting their legitimate and honest customers I will refrain from purchasing their products at all and instead boycott them. I ask the Copyright Office to loosen restrictions on fair use and will urge Congress to also pass copyright reform.

Sincerely,

Mr. Maneesh Pangasa

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