



## DVD Customers Are Not Pirates



Major Hollywood movie studios have launched a public relations offensive against Internet “piracy,” making their case before Congress, the FCC, and even on *60 Minutes*.

But much of what Hollywood calls “piracy” may actually be consumer demand going unmet by legitimate supply. All too frequently, it is Hollywood’s own stubborn unwillingness to give law-abiding customers what they want that drives many of them to search out unauthorized alternatives.

Consider three examples.

First, instead of catering to customers who want an inexpensive, convenient way to watch new DVD releases at home, Hollywood wants to force them to wait. Three major motion picture studios have declared war on Redbox, the company that is behind the red, automated DVD rental kiosks popping up in front of Walmart, McDonald’s, and other retail destinations and around the country.

The studios have attacked Redbox because they do not want to see 99 cent rentals for at least a month after a DVD goes on sale (and many months after the movie was in theaters). The fight may be between Redbox and the studios but the losers are consumers who may turn to unauthorized sources rather than wait patiently for movie studios to maximize their revenues.

Second, Hollywood has repeatedly attacked DVD owners’ ability to copy their DVDs onto a home media server or portable video player. As a result, companies that have tried to offer consumers new ways to enjoy the DVDs they already own have been sued.

Real Networks, for example, was sued for building a DVD player with a hard drive in it, intended to let DVD owners have a TiVo-like experience when browsing their movie libraries from any TV in the house. Kaleidescape, already selling a luxury-oriented version of the same idea, also wound up in court. Once again, while the innovators are the ones being sued, it is the law-abiding customers who purchased DVDs who lose out.

Third, consider the plight of fans who want to use their DVDs to make creative remixes to post on sites like YouTube. Fans have built an entire genre of smart, creative videos around clips taken from DVDs. Yet when these fan creators asked the U.S. Copyright Office to allow DVD ripping for noncommercial use, the studios sent their lawyers to block the request.

Treating fans like criminals alienates real customers, without making a dent on unauthorized Internet infringement. Until Hollywood stops treating legitimate DVD owners and renters like criminals, we won’t know how many so-called “pirates” would prefer to pay for movies and television programs, if only the movie studios would let them do so.

Learn more about EFF’s efforts to protect the rights of DVD customers: [www.eff.org/dvd](http://www.eff.org/dvd)