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## Class\_08\_Reply\_Olin

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In regards to Class 8, I would like to submit for your consideration the notion that allowing third parties to operate functioning servers for games where official methods of operation are defunct, where these games' original developers or publishers or rights holders may still exist to protect their intellectual properties ("IPs"), could also be accomplished currently through licensing deals. With games which require online services to function, you may often find that the reason for the discontinuation of these services lies in the owner of the property finding that the cost to maintain these online services outweighs the profit generated by its users. With this in mind, I think it would be reasonable to consider the property rights of the IP holders, in regards to allowing them the opportunity to first refuse the right to license the server software for such a game, before allowing it to be considered sufficiently "abandoned". The IP holders may find such a licensing situation favorable, as they could charge a lump sum, royalties, or subscription fee to generate the profits lost out from "abandoning" the software, while shifting the costs of maintenance to the license holders, who often wish only to preserve the games for use by future players. More to the point of the Class 8 Proposal, however, is the concept of considering the games without such license offers "abandoned", as mentioned previously. For our purposes, these games which have no way of functioning through official channels, which no longer have any first party support, and which have no reasonably priced licensing opportunities, would be abandoned. In my belief, such abandoned games should be exempted in a manner similar to that described in the Class 8 proposal.

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