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Class_08_Reply_Patukonis

Posted by the **U.S. Copyright Office** on Mar 15, 2018

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Comment

This comment is specifically in regards to online-only games categorized as "MMO".

It is my opinion that the removal of access to an online game service, without the parent company providing an alternate method of continued access is akin to theft. The majority of individuals that partake in these games invest much of their free time, as well as substantial financial contributions over the course of many years to not only have access to the product in question, but also to support it. Let's take a quick look at a standard MMORPG payment structure, especially those on PC as a platform. We will not reference any hardware costs.

Initial purchase of product: \$30

Monthly subscription to continue to access content: \$14.95 (very standard in today's market).

Total Investment after 1 year of access = \$209.40

Total Investment after 2 years of access = \$388.80

Total Investment after 10 years of access = \$1824.00

This example does not consider additional purchases, such as Downloadable Content or Expansion Packs, as they are most often not required to continue to access the original content of the initial purchase.

Let's now look at a similar structure for products that may be purchased and accessed on a Gaming Console, such as the Playstation 4:

Initial purchase of product: \$60

Total Investment after 1 year of access = \$60

Total Investment after 2 years of access = \$60

Total Investment after 10 years of access = \$60

As you can see, the discrepancy is quite large. One key difference, and the point I am trying to convey, is in the first example regarding MMO products, once the parent company decides to terminate the service it is impossible to access that product due to authentication and server hosting requirements, unless the company releases the game as standalone free-ware, or allows it's dedicated fanbase to maintain it on their own, and this almost never happens. In the second example, even if the company who produced the product ceases to support the title, any owners of said title may still access it's content as they see fit for years to come.

I do not believe that the parent companies of MMOs should be legally forced to support, or provide centralized access to any title. However, I believe it is paramount that these companies provide the necessary files, databases, and content to those who would like to continue to access the product.

With that being said, I also do not believe that any persons who facilitate this access after the parent company has ceased to do so should be legally allowed to garner any kind of profit from doing so. These things become a passion project and should not be seen as an opportunity for financial gains.

MADE has asked for this exemption which expands upon the previous DMCA decision in 2015, and the communities of defunct titles agree with the intent. I am unable to come to any other conclusion that suggests otherwise.

If a parent company decides to terminate their product in such a way that it is impossible to continue access, individuals should be authorized to facilitate access legally so that themselves and others can continue to access the product.

Thank you for your time. I strongly hope you will consider exempting MMO products, and allow the fans and playerbase to continue access to these titles after they are officially terminated.

Thanks,
Michael Patukonis, MMO Player since 1999.

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Comment Details

Submitter Info

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