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## Class\_08\_Reply\_Public

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

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So imagine you're a computer games publishing company. There's this game that requires a server to function. But maybe sales are sagging, and anyway you have a new game you'd rather have your customers play. So you turn off the servers. But you've sold that game millions of times and many of your customers still like the old game enough to (also) play it. Since you don't want to support the servers, they'll set one up themselves. Now you sue for copyright infringement.

I don't think this is just a clear-cut copyright case. Because you're using your copyright power to shut people out of something they paid for. In other words, by turning off the servers AND complaining about customers setting up their own on copyright grounds, you're abusing your copyright power to make more sales. That is really the only reason why you're complaining about "lost sales". Because typically, those sales aren't lost at all: Afficionados will want to play the new game in a series even if they also want to (re)play the older ones.

In fact, I'd make a case that selling a game that requires servers to function properly or at all, obligates you to make sure those required servers are available, without further expectation of remuneration, for anyone who has a legal copy of the game, without time restriction or at the very least for as long as the copyright lasts. Because you sold the game knowing full well that it required a server to be available. At bare minimum that means acquiescing to hobbyists running those servers when you're not offering them yourself. So no suing the enthusiasts, eh.

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