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To: Jule L. Sigall Associate Register for Policy & International Affairs

Date: 03/14/2005

From: Matt Whelan

Comment:

In the 80's, during my childhood, I enjoyed certain video games. To me, these are an important part of the culture I grew up in.

With a few exceptions, they are no longer available on the market. They cannot be purchased. As much as I would love to buy a collection of these games, no one sells them.

Obviously, the publisher (in the few cases where they are still in business) feels that the market cannot support further production runs of the works in question. They are probably right. And, due to the nature of the media on which these games were distributed, very few legitimate copies still function.

An old book can be read centuries after the presses go quiet. Software is more dynamic, however. If it is not continually refreshed, the media degrades or (at best) becomes obsolete.

Copyright is granted to stimulate the production of creative works. It is not there to stimulate the removal of those works from the free market. But that is the effect that copyrighted abandonware has.