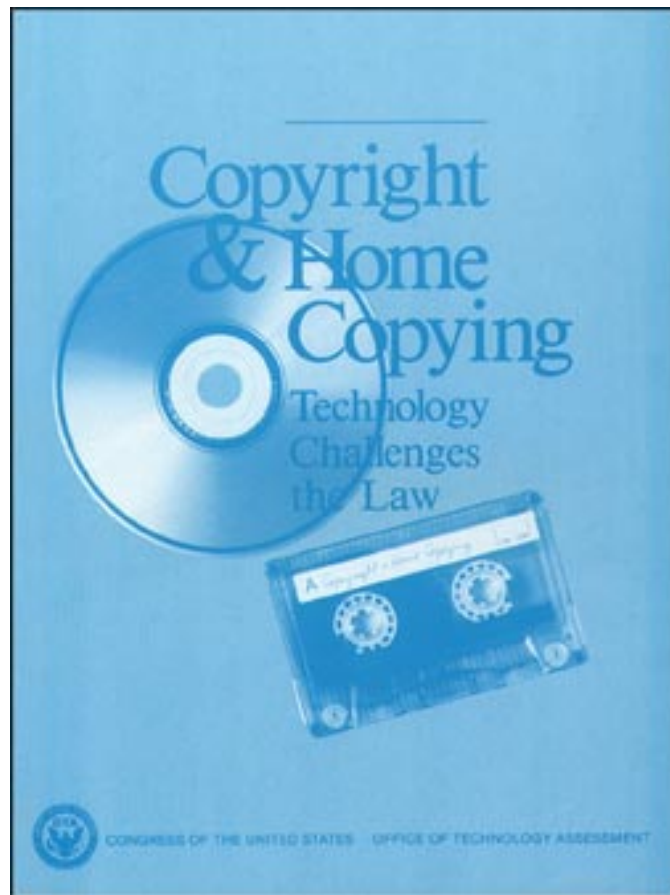


*Copyright and Home Copying: Technology
Challenges the Law*

October 1989

NTIS order #PB90-151309

GPO stock #052-003-01169-7



Recommended Citation:

U.S. Congress, Office of Technology Assessment, *Copyright and Home Copying: Technology Challenges the Law*, OTA-CIT-422 (Washington, DC: U.S. Government Printing Office, October 1989).

Library of Congress Catalog Card Number 89-600714

For sale by the Superintendent of Documents
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Foreword

Today's consumer electronics allow the average citizen to make very good copies of recorded music, television shows, movies, and other copyrighted works for private use at home. Soon, as digital recording equipment comes into widespread use, homemade copies will not just be very good—they can be perfect reproductions of the originals. Home copying *is* becoming much more common; for instance, the proportion of people who make home audiotapes has doubled in the last 10 years. Copyright owners are concerned, and claim that home copying displaces sales and undermines the economic viability of their industries. They fear that the ability to make perfect copies will increase home copying even more.

This report first examines home recording technologies. Then—focusing primarily on audiotaping—we examine the ambiguous legal status of home copying. Our report considers the economic effects that home audiotaping may have on the recording industry, contrasted to the effects that restricting home taping might have on consumers. Finally, we identify a range of actions that either Congress or the industry might pursue.

Included in our report are the results of a national survey of home taping and copying behavior conducted for OTA in the autumn of 1988. In this survey, 1,500 members of the public responded to a range of questions about their own audio- and video-taping behaviors and their attitudes toward various policy approaches related to home taping. The Subcommittee on Courts, Intellectual Property and the Administration of Justice of the House Committee on the Judiciary and the Subcommittee on Patents, Copyrights and Trademarks of the Senate Committee on the Judiciary initially requested the report. This request was joined by the Ranking Minority of the House Committee on the Judiciary. Interest in the study was also expressed in a letter from the Chairman of the House Committee on Energy and Commerce and the Chairman of the Subcommittee on Commerce, Consumer Protection and Competitiveness of the House Committee on Energy and Commerce.

OTA appreciates the participation of the advisory panel, survey working group, Federal agency officials, and interested citizens without whose help this report would not have been possible. The report itself, however, is the sole responsibility of OTA, not of those who so ably assisted us in the assessment and its critical review, or of the congressional committees who requested or endorsed the undertaking of the study.



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NOTE: OTA appreciates and is grateful for the valuable assistance and thoughtful critiques provided by the advisory panel members. The panel does not, however, necessarily approve, disapprove, or endorse this report. OTA assumes full responsibility for the report and the accuracy of its contents.

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