



**WRITERS
GUILD OF
AMERICA, WEST**

January 17, 2014

Office of Policy and External Affairs
United States Patent and Trademark Office
Mail Stop External Affairs
P.O. Box 1450
Alexandria, VA 22313-1450

Via email to CopyrightComments2013@uspto.gov

RE: Request for Comments on Department of Commerce Green Paper, Copyright Policy, Creativity, and Innovation in the Digital Economy. Docket No. 130927852-3852-01

I. Introduction

Writers Guild of America, West Inc. (WGAW) is pleased to submit the following comments in response to the Department of Commerce Green Paper on Copyright Policy, Creativity and Innovation in the Digital Economy. WGAW represents more than 8,000 writers of television, film and online video content. Virtually all of the entertainment programming and a significant portion of news programming seen on television and in film are written by WGAW members and the members of our affiliate, Writers Guild of America, East (jointly, "WGA").

Our members are the creators of copyrighted works and as such, have a strong interest in the protection of copyright. In 2012, professional writers represented by the WGAW received almost \$350 million in residual payments for the reuse of their material on DVD, in international sales, syndicated on broadcast and cable channels, sold on iTunes, streamed online and viewed in many other markets. These residual payments constitute roughly 25% of total writer compensation. Residual payments have continued to grow, increasing approximately 5% per year over the last five years. The growth in residuals demonstrates the long term value that copyrighted works create and the importance that preventing copyright theft has for the entire entertainment community.

Residual payments derived from the reuse of content sustain careers and support industry health and pension plans. These payments serve as R&D for the entertainment industry, allowing writers to develop new material while waiting for their next employment opportunity. Any devaluation of copyrighted content could significantly diminish the ability of writers to spend time developing new content. Strong enforcement of copyright law benefits society as well. The ability to generate revenue through the exploitation of intellectual property provides funds that can be reinvested and fuel further innovation in many industries, including entertainment.

While many of the most pirated works are created by WGA members, we believe that copyright must be balanced with the preservation of an open, competitive Internet and protection of consumers' rights to access the lawful content, services and applications of their choice. Achieving this balance requires the creation of guiding principles for the development of piracy detection and prevention tools in laws and industry agreements that do not infringe on free speech and the right to privacy. We take the opportunity to address some of the specific questions raised by the Federal Register Notice, including the appropriate calibration of statutory damages, improving the notice and takedown system of the Digital Millennium Copyright Act (DMCA) and first sale in the digital environment. We also raise concerns about voluntary agreements that have been developed to address copyright infringement.

II. The Appropriate Calibration of Statutory Damages

While penalties for copyright infringement are an important tool for deterring piracy, the massive statutory damages currently allowed under copyright law have become unmoored from the actual damages caused by copyright infringement. Plaintiff's demands in some cases have reached hundreds of millions and even billions of dollars without any evidence of the real magnitude of harm. Viacom's \$1 billion suit against YouTube has dragged on for six years and has cost the streaming site over \$100 million in legal fees.¹ High statutory penalties are not only often unreasonable but unpayable. Recently, in its case against the torrent site isoHunt, the MPAA requested nearly \$600 million in statutory damages despite admitting that \$5 million at most would be enough to bankrupt the defendants. Whether a statutory penalty bankrupts infringers once or a hundred times over probably has little additional deterrent effect. In fact, empirical research by economists suggests that lawsuits do not increase legal sales because infringers' willingness to pay is generally lower than the market price.² Rather, the threat of such large damages and the cost of litigation may deter further investment in web sites that serve as venues for independent production and allow users to upload content without gatekeeper permission for fear of liability. Such venues are critical to the promotion of independent content and are only available online because television and film are controlled by a handful of media companies who decide what content consumers have access to. We suggest further study of the effectiveness of statutory damages in protecting copyright.

Streaming copyrighted material

It is important to assess the role of statutory damages in limiting copyright infringement particularly because of the Green Paper's proposal to make streaming unauthorized works a felony. The extension of a policy that may not actually limit piracy or result in recouped monies to content creators has troubling implications for artistic expression. A broad interpretation of such a law could chill innovation through the use of copyrighted works in remixes, cover versions of songs and fair use. For example, artists like Justin Bieber have used YouTube

¹ O'Neill, Megan. "Google CFO Reveals Viacom's Lawsuit Cost YouTube \$100 Million." SocialTimes.com, July 16, 2010. Available at http://socialtimes.com/google-cfo-reveals-viacom%E2%80%99s-lawsuit-cost-youtube-100-million_b17615

² Maffioletti A. and G. Ramello. Should we put them in jail? Copyright infringement, penalties and consumer behaviour: Insights from experimental data. *Review of Economic Research on Copyright Issues*, 2004, vol. 1(2), pp. 81-95.

videos of themselves singing covers as a way to gain exposure. Allowing felony charges for such activities could have a chilling effect on artists who use such independent forums and may harm sites that allow streaming of user generated content by driving away contributors.

III. Improving the Operation of the DMCA Notice and Takedown System

The notice and takedown system of the Digital Millennium Copyright Act is an important component of online copyright enforcement. It is not a perfect solution to the problem of online piracy, but no such solution exists. Rather, the notice and takedown system in conjunction with the safe harbor provisions of the DMCA strike a balance between the interests of copyright owners and ISPs and sites that allow users to upload content without permission. It has allowed sites like YouTube, where artists may distribute content without permission, to flourish while providing copyright owners a method for removing their own content from such sites. The WGAW believes that efforts should be made to improve this system, both for copyright owners and online sites and services, rather than more drastic measures that would fundamentally alter the nature of the Internet by requiring affirmative policing of content. We echo the comments made by the Future of Music Coalition regarding The Stop Online Piracy Act (SOPA).³ SOPA moved too far from the balance struck by the DMCA and would have had significant implications for free speech, due process and a competitive online market.

The administration should consider how to improve the notice and takedown system for smaller copyright owners. Having a common template for DMCA notices would streamline the process for smaller copyright owners and the companies that process them. Host companies must also make their DMCA agent easily identifiable both on their websites and through Copyright Office registration. Such action would benefit independent creators.

Another important improvement for the DMCA would be to prevent mistaken or abusive notices that target fair use of copyrighted works. In addition, as the volume of DMCA takedown requests has increased, so have the number of requests that target legitimate sites. For example, a Microsoft anti-piracy contractor recently sent out erroneous notices against the Wikipedia entry for Office 2007 and even some of Microsoft's own webpages.⁴ Additionally, in some cases requests fail to take into account fair use and end up removing sites that constitute legal speech.

IV. The First Sale Doctrine in the Digital Environment

WGAW does not support the adoption of a digital first sale doctrine because it could aggravate the problem of piracy without any significant advantage to consumers. Unlike previous technologies such as magnetic tape, digital copies allow for perfect and unlimited reproductions. Extending the first sale doctrine to the digital environment would make it all but impossible to distinguish between legitimate resale of a purchased digital content and the unauthorized

³ See comments of The Future of Music Coalition, *In the Matter of the Inquiry on Copyright Policy, Creativity and Innovation in the Internet Economy*, Docket Number: 130927852-3852-01, November 13, 2013, pp. 8.

⁴ Torrentfreak.com "Microsoft Wants Google to Censor Its Wikipedia Page." September 27, 2013. Available at <http://torrentfreak.com/microsoft-wants-google-to-censor-its-wikipedia-page-130927/>

distribution of pirated copies. Further, numerous business models have developed in the online world that provides a variety of consumption options including purchase, rental and subscription services. As such, the current market already makes available a variety of digital licenses for content that vary in length and price while protecting copyrighted work from further piracy.


For example, consumers can rent a movie through sites like Amazon Instant Video and the iTunes Store for a period of a few days or purchase an indefinite license if they choose (see images below).⁵ A survey of the top 100 movies by box office in 2013 shows that 77% are available for digital or disc purchase and 53% are already available for digital rental (See appendix). Consumers can also choose between standard definition and high definition versions at different prices and 24 or 48 hour rental periods. With the development of Ultraviolet, consumers can also watch their licensed content on various devices both in and outside the home. Services like Netflix and Amazon Prime offers consumers access to thousands of hours of television and film content for a low monthly price. The lack of a digital first sale doctrine has not limited the development of robust consumer offerings.

iTunes Store Examples



⁵ All screenshots taken November 18, 2013.

Amazon Instant Video Examples



The Internship **PG-13** **CC**
★★★★☆ (284 customer reviews) | **IMDb** 6.2/10

Also available in HD
Watch in HD on **supported devices**

Old-school salesmen Billy (Vince Vaughn) and Nick (Owen Wilson) try to reboot their careers by joining Google's fiercely competitive internship program -- with hilarious results!

Starring: Vince Vaughn, Owen Wilson
Directed by: Shawn Levy
Runtime: 2 hours 0 minutes
Release year: 2013
Studio: Fox

amazon instant video

48 hour rental
1-Click® \$4.99

Buy movie
1-Click® \$12.99

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White House Down **PG-13** **CC**
★★★★☆ (226 customer reviews) | **IMDb** 6.3/10

Also available in HD
Watch in HD on **supported devices**

Capitol Policeman John Cale (Channing Tatum) has just been denied his dream job with the Secret Service of protecting President James Sawyer (Jamie Foxx). Not wanting to let down his little girl with the news, he takes her on a tour of the White House, when the complex is overtaken ...

Starring: Channing Tatum, Jamie Foxx
Directed by: Roland Emmerich
Runtime: 2 hours 12 minutes
Release year: 2013
Studio: Columbia Pictures

amazon instant video

24 hour rental
1-Click® \$4.99


Buy movie
1-Click® \$14.99

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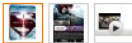
[Add to Watchlist](#)

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Amazon Physical and Digital Offerings Example



Roll over image to zoom in



[Share your own customer images](#)

Man of Steel (Blu-ray+DVD+UltraViolet Combo Pack) (2013)

[Henry Cavill](#) (Actor), [Amy Adams](#) (Actor), [Zack Snyder](#) (Director) | Rated: PG-13 | Format: Blu-ray

★★★★☆ (713 customer reviews)

List Price: ~~\$35.99~~
 Price: **\$22.99** & **FREE Shipping** on orders over \$35. [Details](#)
 You Save: **\$13.00** (36%)

In Stock.
 Ships from and sold by **Amazon.com**. Gift-wrap available.

Want it tomorrow, Nov. 19? Order within **4 hrs 5 mins** and choose **One-Day Shipping** at checkout. [Details](#)

10 new from \$22.99 **4 used** from \$18.48

| Watch Instantly with instant video | | Rent | Buy |
|-------------------------------------|--|--------|---------|
| Man of Steel (2013) | | \$3.99 | \$14.99 |
| Man of Steel (bonus features) | | -- | \$14.99 |

| Other Formats & Versions | | Amazon Price | New from | Used from |
|---------------------------------------|----------------|--------------|----------|-----------|
| <input type="checkbox"/> Multi-Format | 3-Disc Version | \$22.99 | \$22.99 | \$18.48 |
| <input type="checkbox"/> Blu-ray | 2-Disc Version | \$59.99 | \$59.99 | -- |
| <input type="checkbox"/> DVD | 2-Disc Version | \$18.99 | \$18.99 | \$24.74 |



Roll over image to zoom in



[See all 4 customer images](#)
[Share your own customer images](#)

Star Trek Into Darkness (Blu-ray + DVD + Digital Copy) (2013)

[Chris Pine](#) (Actor), [Zachary Quinto](#) (Actor), [J.J. Abrams](#) (Director) | Rated: PG-13 | Format: Blu-ray

★★★★☆ (3,134 customer reviews)

List Price: ~~\$39.99~~
 Price: **\$19.43** & **FREE Shipping** on orders over \$35. [Details](#)
 You Save: **\$20.56** (51%)

In Stock.
 Sold by **MightySilver** and **Fulfilled by Amazon**. Gift-wrap available.

Want it tomorrow, Nov. 19? Order within **10 hrs 49 mins** and choose **One-Day Shipping** at checkout. [Details](#)

19 new from \$18.96 **4 used** from \$14.32

| Watch Instantly with instant video | | Rent | Buy |
|-------------------------------------|--|--------|---------|
| Star Trek Into Darkness | | \$3.99 | \$14.99 |

| Other Formats & Versions | | Amazon Price | New from | Used from |
|---------------------------------------|----------------|--------------|----------|-----------|
| <input type="checkbox"/> Multi-Format | 2-Disc Version | \$19.43 | \$18.96 | \$14.32 |
| <input type="checkbox"/> Blu-ray | 2-Disc Version | \$59.95 | \$29.99 | \$29.95 |
| <input type="checkbox"/> DVD | 1-Disc Version | \$15.70 | \$13.72 | \$10.29 |

V. WGAW Concerns about Voluntary Agreements to Enforce Copyright

In recent years, the enforcement of copyright has expanded to include voluntary agreements such as the Copyright Alert System (CAS) between major media companies and Internet Service Providers. While these agreements have yet to prove their effectiveness in limiting copyright infringement, they have raised concerns regarding their lack of consumer protections. For example, the CAS appeals process places the burden of proof on alleged infringers and requires the payment of a fee to the arbitrator, although the fee is refundable if the challenge is upheld. Several other aspects of the process are problematic: appeals are not allowed until the mitigation stage, where Internet throttling or landing pages are implemented, and there is no further appeal after a review.

Similarly, the voluntary ad network agreement encourages networks to suspend a website until verifying that it is non-infringing; once again placing the burden of proof on accused infringers. Private agreements must not become a way of circumventing due process when an essential forum for free speech and commerce is at stake. If the government is going to endorse private agreements it should also promote transparency and comprehensive stakeholder participation in these initiatives.

Another concerning aspect of the CAS is that it could negatively impact the availability of open Wi-Fi networks. Many small businesses such as independent cafes may not have business class Internet service that is exempt from the CAS and as a result may have their service throttled or preemptively shut down their networks to avoid sanctions. Residential customers and home businesses with regular accounts will also have to think twice before opening their networks to guests. Voluntary initiatives should balance the threat of infringement with the valuable and non-infringing uses provided by open networks. Industry agreements that are enacted outside of legislation must be carefully designed to respect both the First and Fourth Amendments.

VI. Conclusion

Copyright protection is an important public policy goal. It is necessary to sustain the livelihoods of WGAW members. We are encouraged by the attention paid to diminishing piracy and look forward to continued discussions about how to improve copyright enforcement. However, we also believe that the most effective remedy to piracy may be the development of robust legal options for viewing content online. The increasing popularity of legal online video services such as Netflix can be seen in its growing share of internet traffic. According to network management company Sandvine, Netflix now accounts for 32% of internet downloading during peak evening hours in North America.⁶ This has increased from about 30% in the spring of 2011. Netflix now has over 30 million domestic streaming subscribers and over 9 million international subscribers.

⁶ Sandvine. The Global Internet Phenomena Report: 1H 2013. Available at http://www.sandvine.com/downloads/documents/Phenomena_1H_2013/Sandvine_Global_Internet_Phenomena_Report_1H_2013.pdf

Netflix also continues to expand overseas but similar online VOD services are now widespread internationally.

At the same time, BitTorrent traffic is declining in most regions. North American BitTorrent traffic dropped from 18.9% of total daily traffic to 11.1% between fall of 2011 and spring of 2013. In Asia, BitTorrent traffic during peak hours declined from 27.2% to 21.7% between 2012 and 2013. Meanwhile, Europe saw a decline from 20.3% to 17.4% in the same period. Latin American BitTorrent use increased marginally from 9.2% to 10.2%.

While much of piracy occurs outside the United States, the international market has now become a major source of growth for the media companies. According to the MPAA, the 2012 international box office was 32% higher than five years ago. Despite the widespread availability of pirated versions of movies, more international consumers are going to see films in the theater than ever before. While there is still room for improvement in reducing copyright infringement, copyright policy should continue to protect the openness and innovation that has made the Internet an engine of economic growth.

Respectfully Submitted,

/s/

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Appendix⁷

| 2013 Movie Digital Rental and Sale Availability | | | | | | | | | | | |
|---|-------------------------------------|--------|--------------|-------------|------|----------|----------------|------|---------------|--------------|-----------|
| Rank | Movie Title | Amazon | iTunes Store | Google Play | Vudu | You-Tube | Redbox Instant | M-GO | Target Ticket | Digital Sale | Disc Sale |
| 1 | Iron Man 3 | Yes | Yes | Yes | Yes | Yes | No | Yes | No | Yes | Yes |
| 2 | The Hunger Games: Catching Fire | No | No | No | No | No | No | No | No | No | No |
| 3 | Despicable Me 2 | No | No | No | No | No | No | No | No | Yes | Yes |
| 4 | Man of Steel | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 5 | Monsters University | Yes | No | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 6 | Gravity | No | No | No | No | No | No | No | No | No | No |
| 7 | Fast & Furious 6 | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 8 | Oz The Great and Powerful | No | No | No | No | No | No | No | No | Yes | Yes |
| 9 | Star Trek Into Darkness | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 10 | World War Z | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 11 | Thor: The Dark World | No | No | No | No | No | No | No | No | No | No |
| 12 | Frozen (2013) | No | No | No | No | No | No | No | No | No | No |
| 13 | The Croods | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 14 | The Heat | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 15 | We're the Millers | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 16 | The Great Gatsby (2013) | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 17 | The Conjuring | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 18 | Identity Thief | No | No | No | No | No | No | No | No | Yes | Yes |
| 19 | Grown Ups 2 | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 20 | The Wolverine | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 21 | The Hobbit: The Desolation of Smaug | No | No | No | No | No | No | No | No | No | No |
| 22 | G.I. Joe: Retaliation | Yes | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes |
| 23 | Now You See Me | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 24 | Lee Daniels' The Butler | No | No | No | No | No | No | No | No | Yes | No |
| 25 | Cloudy with a Chance of Meatballs 2 | No | No | No | No | No | No | No | No | No | No |
| 26 | The Hangover Part III | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 27 | Epic | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 28 | Captain Phillips | No | No | No | No | No | No | No | No | No | No |
| 29 | Pacific Rim | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 30 | This is the End | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 31 | Jackass Presents: Bad Grandpa | No | No | No | No | No | No | No | No | Yes | No |
| 32 | Olympus Has Fallen | No | No | No | Yes | No | No | Yes | Yes | Yes | Yes |
| 33 | 42 | No | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes |
| 34 | Elysium | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 35 | Planes | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |

⁷ Most films released in the fourth quarter of 2013 will not be available in the home video market until 2014.

| | | | | | | | | | | | |
|----|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 36 | The Lone Ranger | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 37 | Oblivion | No | No | No | No | No | No | No | No | Yes | Yes |
| 38 | Insidious Chapter 2 | Yes | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes |
| 39 | Turbo | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 40 | 2 Guns | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 41 | White House Down | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 42 | Mama | No | No | No | No | No | No | No | No | Yes | Yes |
| 43 | Safe Haven | Yes | Yes | Yes | Yes | Yes | No | No | Yes | Yes | Yes |
| 44 | The Smurfs 2 | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 45 | The Best Man Holiday | No | No | No | No | No | No | No | No | No | No |
| 46 | Percy Jackson: Sea of Monsters | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 47 | A Good Day to Die Hard | No | No | No | No | No | No | No | No | Yes | Yes |
| 48 | Warm Bodies | No | No | No | No | No | No | No | No | Yes | Yes |
| 49 | Jack the Giant Slayer | No | No | No | No | No | No | No | No | Yes | Yes |
| 50 | The Purge | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 51 | Last Vegas | No | No | No | No | No | No | No | No | No | No |
| 52 | Prisoners | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 53 | Ender's Game | No | No | No | No | No | No | No | No | No | No |
| 54 | After Earth | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 55 | Escape From Planet Earth | Yes | No | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 56 | Hansel and Gretel: Witch Hunters | No | No | No | No | No | No | No | No | Yes | Yes |
| 57 | Evil Dead (2013) | No | No | No | No | No | No | No | No | Yes | Yes |
| 58 | Free Birds | No | No | No | No | No | No | No | No | No | No |
| 59 | Red 2 | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 60 | Tyler Perry's Temptation: Confessions of a Marriage Counselor | No | No | No | No | No | No | No | No | Yes | Yes |
| 61 | The Call | No | No | No | No | No | No | No | No | Yes | Yes |
| 62 | Pain and Gain | Yes | Yes | Yes | No | Yes | Yes | Yes | No | Yes | Yes |
| 63 | Gangster Squad | No | No | No | No | No | No | No | No | Yes | Yes |
| 64 | Jurassic Park 3D* | No | No | No | No | No | No | No | No | No | Yes |
| 65 | The Internship | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 66 | Instructions Not Included | No | No | No | No | No | No | No | No | No | No |
| 67 | Snitch | No | No | No | No | No | No | No | No | Yes | Yes |
| 68 | Riddick | No | No | No | No | No | No | No | No | Yes | No |
| 69 | A Haunted House | Yes | Yes | Yes | No | Yes | No | Yes | No | Yes | Yes |
| 70 | Anchorman 2: The Legend Continues | No | No | No | No | No | No | No | No | No | No |
| 71 | 12 Years a Slave | No | No | No | No | No | No | No | No | No | No |
| 72 | The Family (2013) | Yes | Yes | Yes | Yes | Yes | No | Yes | No | Yes | Yes |
| 73 | Carrie (2013) | No | No | No | No | No | No | No | No | No | No |
| 74 | Texas Chainsaw 3D* | No | No | No | No | No | No | Yes | No | No | Yes |
| 75 | R.I.P.D. | No | Yes | No | No | No | No | Yes | No | Yes | Yes |
| 76 | Blue Jasmine | No | No | No | No | No | No | No | No | No | No |

| | | | | | | | | | | | |
|-----|---------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 77 | Kevin Hart: Let Me Explain | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 78 | Side Effects (2013) | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes |
| 79 | Scary Movie 5 | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 80 | The Mortal Instruments: City of Bones | Yes | Yes | Yes | Yes | Yes | No | Yes | No | Yes | Yes |
| 81 | Delivery Man | No | No | No | No | No | No | No | No | No | No |
| 82 | One Direction: This is Us | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 83 | Kick-Ass 2 | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 84 | Tyler Perry's A Madea Christmas | No | No | No | No | No | No | No | No | No | No |
| 85 | Rush (2013) | No | No | No | No | No | No | No | No | No | No |
| 86 | The Host (2013) | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 87 | The World's End | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 88 | 21 and Over | Yes | Yes | Yes | No | Yes | No | Yes | No | Yes | Yes |
| 89 | Escape Plan | No | No | No | No | No | No | No | No | No | No |
| 90 | Don Jon | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 91 | The Incredible Burt Wonderstone | No | No | No | No | No | No | No | No | Yes | Yes |
| 92 | The Big Wedding | No | No | No | No | No | No | No | No | Yes | Yes |
| 93 | Mud | No | No | No | No | No | No | No | No | Yes | Yes |
| 94 | Baggage Claim | No | No | No | No | No | No | No | No | No | No |
| 95 | The Way, Way Back | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| 96 | The Place Beyond the Pines | No | No | No | No | No | No | No | No | Yes | Yes |
| 97 | American Hustle | No | No | No | No | No | No | No | No | No | No |
| 98 | Homefront | No | No | No | No | No | No | No | No | No | No |
| 99 | Broken City | No | No | No | No | No | No | No | No | Yes | Yes |
| 100 | Beautiful Creatures (2013) | No | No | No | No | No | No | No | No | Yes | Yes |

* Jurassic Park 3D and Texas Chainsaw 3D were available as 3D Blu-ray discs but not digitally. However, 2D digital versions were available.