

UNITED STATES COPYRIGHT OFFICE



**Petition for New Exemption
Under 17 U.S.C. § 1201**

Please submit a separate petition for each proposed exemption.

Note: Use this form if you are seeking to engage in activities not currently permitted by an existing exemption. If you are seeking to engage in activities that are permitted by a current exemption, instead of submitting this form, you may submit a petition to renew that exemption using the form available at <https://www.copyright.gov/1201/2018/renewal-petition.pdf>.

If you are seeking to expand a current exemption, we recommend that you submit both a petition to renew the current exemption, and, separately, a petition for a new exemption using this form that identifies the current exemption, and addresses only those issues relevant to the proposed expansion of that exemption.

ITEM A. PETITIONERS AND CONTACT INFORMATION

Please identify the petitioners and provide a means to contact the petitioners and/or their representatives, if any. The “petitioner” is the individual or entity proposing the exemption.

Petitioners:

Association of Transcribers and Speech-to-text Providers (ATSP)

Association of Research Libraries (ARL)

American Library Association (ALA)

Association of College and Research Libraries (ACRL)

The Association of Transcribers and Speech-to-Text Providers (ATSP) is a non-profit organization devoted to advancing the delivery of real-time speech-to-text services to deaf or hard-of-hearing people.

The Association of Research Libraries (ARL) is a nonprofit organization of 123 research libraries at comprehensive, research institutions in the US and Canada that share similar research missions, aspirations, and achievements. ARL aims to influence the changing environment of scholarly communication and the public policies that affect research libraries and the diverse communities they serve.

The American Library Association (“ALA”) is a nonprofit professional organization of more than 60,000 librarians dedicated to providing and library services and promoting the public interest in a free and open information society. The Association of College and Research Libraries (ACRL), the largest division of the ALA, is a professional association of academic and research librarians.

Privacy Act Advisory Statement: Required by the Privacy Act of 1974 (P.L. 93-579)

The authority for requesting this information is 17 U.S.C. §§ 1201(a)(1) and 705. Furnishing the requested information is voluntary. The principal use of the requested information is publication on the Copyright Office website and use by Copyright Office staff for purposes of the rulemaking proceeding conducted pursuant to 17 U.S.C. § 1201(a)(1). NOTE: No other advisory statement will be given in connection with this application. Please keep this statement and refer to it if we communicate with you regarding this petition.

Representatives:

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ITEM B. DESCRIPTION OF PROPOSED NEW EXEMPTION

Provide a brief statement explaining the nature of the proposed new or expanded exemption. The information that would be most helpful to the Office includes the following, to the extent relevant: (1) the types of copyrighted works that need to be accessed; (2) the physical media or devices on which the works are stored or the services through which the works are accessed; (3) the purposes for which the works need to be accessed; (4) the types of users who want access; and (5) the barriers that currently exist or which are likely to exist in the near future preventing these users from obtaining access to the relevant copyrighted works.

Petitioners need not propose precise regulatory language or fully define the contours of an exemption class. Rather, a short, plain statement describing the nature of the activities the petitioners wish to engage in will be sufficient, as proponents will have the opportunity to further refine or expound upon their initial petitions during later phases of the rulemaking. The Office anticipates that in many cases petitioners will be able to adequately describe in plain terms the relevant information in a few sentences, or even a single sentence, as with the examples below.

Examples:

A proposed exemption for owners of 3D printers to circumvent technological protection measures on firmware or software in 3D printers to run the printers' operating systems to allow use of non-manufacturer-approved feedstock.

A proposed exemption for computer programs in tractors that use lockout codes to prevent farmers from repairing broken tractor parts.

A proposed expansion of the current exemption for motion pictures (including television programs and videos) for uses in documentary films. The expansion sought is to cover lawfully obtained copies of motion pictures contained on Blu-ray discs.

Petitioners propose an exemption for disability services offices, organizations that support people with disabilities, libraries, and other units at educational institutions that are responsible for fulfilling those institutions' legal and ethical obligations to make works accessible to people with disabilities to circumvent technological protection measures for motion pictures (including television shows and videos), where circumvention is undertaken for the purpose of making a motion picture accessible to people with disabilities, including through the provision of closed and open captions and audio description.

- (1) "The types of copyrighted works that need to be accessed" are motion pictures (including television shows and videos) as defined in 17 U.S.C. § 101;
- (2) "[T]he physical media or devices on which the works are stored or the services through which the works are accessed" may include but are not limited to optical media, video cassettes with access control measures, and streaming services;
- (3) "[T]he purposes for which the works need to be accessed" include making the works accessible to people with disabilities through the provision of accessibility features including closed and open captions and audio description;
- (4) "[T]he types of users who want access" include disability service offices, organizations that support people with disabilities, libraries, and units at educational institutions that are responsible for fulfilling those institutions' legal and ethical obligations to make works accessible to people with disabilities; and
- (5) "[T]he barriers that currently exist or which are likely to exist in the near future preventing these users from obtaining access to the relevant copyrighted works" include technological protection measures that impede the use of common tools for adding accessibility features to the works without first circumventing the measures, thereby raising concerns about liability under Section 1201 of the Digital Millennium Copyright Act.