



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:

Bobette Buster is an Adjunct Professor in the University of Southern California’s Graduate School of Cinematic Arts’ Peter Stark Program; an international guest faculty lecturer (Pixar Studios, Disney, Sony Animation, La Fernis/Paris, Catholic University of Milan, Media Business School/Spain); a feature documentary producer and screenwriter; writer of *Do Story: How to Tell Your Story So the World Listens* (The Do Book Co., 2013); and author of the forthcoming electronic book (“e-book”) *Deconstructing Master Filmmakers*. For more information, visit http://www.bobettebuster.com/bobettebuster_about.html.

Authors Alliance is a nonprofit organization representing the interests of authors who want to take advantage of opportunities of the digital age to share their creations with readers, promote the ongoing progress of knowledge, and advance the public good. We provide information and tools designed to help authors better understand and manage key legal, technological, and institutional aspects of making their works widely available. We are also a voice for authors in discussions about public and institutional policies that might promote or inhibit the broad dissemination they seek. For more information, visit <http://www.authorsalliance.org>.

The Organization for Transformative Works (“OTW”) is a nonprofit organization established in 2007 to protect and defend fanworks from commercial exploitation and legal challenge. “Fanworks” are new creative works that are based on existing media. We believe that fanworks are transformative and that transformative works are legitimate. We advocate on behalf of fans and fanworks and provide information to fans who need assistance when faced with related legal issues or media attention. For more information, visit <http://www.transformativeworks.org>.

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.

In addition to our July 31, 2017 petition to renew the temporary exemption for making use of short portions of motion pictures for use in nonfiction multimedia e-books offering film analysis,¹ and in light of evolving technology and market dynamics, the above-referenced petitioners additionally petition the Librarian to modify the exemption codified at 37 C.F.R. § 201.40(b)(1)(iii) by:

- (1) Removing the limitation in 37 C.F.R. § 201.40(b)(1)(iii) that circumvention be undertaken only for use in “nonfiction” multimedia e-books;
- (2) Removing the limitation in 37 C.F.R. § 201.40(b)(1)(iii) that circumvention be undertaken only for use in multimedia e-books “offering film analysis”;
- (3) Removing the limitations in 37 C.F.R. § 201.40(b)(1)(iii)(A) and (B) that refer to screen-capture technology;

The other underlying aspects of the exemption should remain the same or similar to those in the current temporary exemption. In particular:

- (1) “The types of copyrighted works that need to be accessed” continue to be motion pictures (including television shows and videos) as defined in 17 U.S.C. § 101;
- (2) “The physical media or devices on which the works are stored or the services through which the works are accessed” continue to include optical media discs, including in DVD and Blu-ray format, and digitally transmitted video;
- (3) “The purposes for which the works need to be accessed” include the creation of multimedia e-books that make fair use;

¹ <https://www.regulations.gov/document?D=COLC-2017-0007-0022>.

- (4) “The types of users who want access” continue to include authors, broadly defined, in various professional and amateur capacities;
- (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” remain technological protection measures including encryption, Content Scramble System, and Advanced Access Content System, along with the potential for liability under 17 U.S.C. § 1201.