



Short Comment Regarding Proposed Exemptions Under 17 U.S.C. 1201

Item 1. Commenter Information

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Item 2. Proposed Classes Addressed

We support exemptions for all the proposed classes.

Item 3. Statement Regarding Proposed Exemptions

ORI is an organization of over 20 companies and associations that have joined together to protect ownership rights in the United States. We believe in the fundamental premise that **if you bought it, you own it**, and should have the right to use, sell, lend, or give away your personal property. ORI formed when the *Kirtsaeng v. Wiley* case was pending before the Supreme Court. We now are dedicated to preserving that holding, and to making sure that the rights of intellectual property owners do not inappropriately interfere with the personal property rights of consumers, businesses, and non-profit institutions that own products incorporating intellectual property.

The proposed exemptions all address situations where the Digital Millennium Copyright Act's prohibition on the circumvention of technological protection measures (TPMs) unnecessarily interferes with personal property rights. The 27 proposed exemptions fall into two broad categories: 1) the TPM protected work is a software component of a hardware device; and 2) the TPM protected work represents all or virtually all of the value of the product. The exemptions in the first category would allow: the "unlocking" of a device such as a telephone handset or tablet in order to connect it to a wireless network; the "jailbreaking" of a mobile computing device so that it can access lawful content; the diagnosis, repair, or modification of vehicles; the use of alternative feedstock for 3D printers; and research into the safety, security, and effectiveness of medical devices. Congress did not enact the DMCA to prevent these sorts of uses; it did not intend to restrict owners of hardware products from making full use of their personal property. These exemptions should be granted to prevent the misuse of the DMCA.

The second category of exemptions would allow: using clips from audiovisual works on DVDs or Blu-ray for education, derivative works, and space- and format-shifting; making ebooks accessible to the print-disabled; playing video games abandoned by their developers who no

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longer provide the necessary services; and researching software security flaws. The uses enabled by this category of exemptions fall comfortably within the scope of fair use or other exceptions to the Copyright Act, and pose no meaningful risk of infringement. Owners of lawfully purchased copies must be allowed to make legitimate uses of their copies. Accordingly, we support the granting of the exemptions in this second category.