



# Petition to Renew a Current Exemption Under 17 U.S.C. § 1201

## 9th Triennial Rulemaking

Please submit a separate petition for each current exemption for which renewal is sought.

**NOTE:** Use this form if you want to renew a current exemption without modification. If you are seeking to engage in activities not currently permitted by an existing exemption, including those that would require the expansion of a current exemption, you must submit a petition for a new exemption using the form available at [copyright.gov/1201/2024/new-petition.pdf](https://copyright.gov/1201/2024/new-petition.pdf).

If you are seeking to expand a current exemption, we recommend that you submit both a petition to renew the current exemption without modification using this form, and, separately, a petition for a new exemption 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 seeking renewal.

Prof. Matt Blaze  
McDevitt Professor of Computer Science and Law  
Georgetown University

Prof. Steven Bellovin  
Percy K. and Vida L.W. Hudson Professor of Computer Science  
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represented by

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**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.

## ITEM B. IDENTIFY WHICH CURRENT EXEMPTION PETITIONERS SEEK TO RENEW

Check the appropriate box below that corresponds with the current temporary exemption (see **37 C.F.R. § 201.40**) the petitioners seek to renew. Please check only one box. If renewal of more than one exemption is sought, a separate petition must be submitted for each one.

### **Motion Pictures** (including television programs and videos):

- Excerpts for use in documentary filmmaking or other films where use is in parody or for a biographical or historically significant nature
- Excerpts for use in noncommercial videos
- Excerpts for use in nonfiction multimedia e-books
- Excerpts for educational purposes by college and university faculty, students, or employees acting at the direction of faculty, or K–12 educators and students
- Excerpts for educational purposes by faculty and employees acting at the direction of faculty in massive open online courses (“MOOCs”)
- Excerpts for educational purposes in digital and literacy programs offered by libraries, museums, and other nonprofits
- For the provision of captioning and/or audio description by disability services offices or similar units at educational institutions for students, faculty, or staff with disabilities
- For the preservation or the creation of a replacement copy of the motion picture by libraries, archives, or museums
- For text and data mining by a researcher affiliated with a nonprofit institution of higher education, or by student or staff at the direction of such researcher, for the purpose of scholarly research and teaching

### **Literary Works:**

- Literary works distributed electronically for text and data mining by a researcher affiliated with a nonprofit institution of higher education, or by student or staff at the direction of such researcher, for the purpose of scholarly research and teaching
- Literary works or previously published musical works that have been fixed in the form of text or notation whose technological protection measures interfere with assistive technologies
- Literary works consisting of compilations of data generated by medical devices or their personal corresponding monitoring systems, to access personal data

### **Computer Programs and Video Games:**

- Computer programs that operate wireless devices, to allow connection to an alternative wireless network (“unlocking”)
- Computer programs that operate smartphones and portable all-purpose mobile computing devices to allow the device to interoperate with or to remove software applications (“jailbreaking”)
- Computer programs that operate smart televisions to allow the device to interoperate with software applications on the television for purposes other than gaining unauthorized access to copyrighted works (“jailbreaking”)
- Computer programs that operate voice assistant devices to allow the device to interoperate with or to remove software applications for purposes other than gaining unauthorized access to copyrighted works (“jailbreaking”)
- Computer programs that operate routers and dedicated network devices to allow the device to interoperate with software applications on the device for purposes other than gaining unauthorized access to copyrighted works (“jailbreaking”)
- Computer programs that control motorized land vehicles, marine vessels, or mechanized agricultural vehicles or vessels for purposes of diagnosis, repair, or modification of the vehicle, including to access diagnostic data
- Computer programs that control devices designed primarily for use by consumers for diagnosis, maintenance, or repair of the device or system
- Computer programs that control medical devices or systems, and related data files, for diagnosis, maintenance, or repair of the device or system
- Computer programs for purposes of good-faith security research
- Video games for which outside server support has been discontinued, to allow individual play by gamers and preservation of games by libraries, archives, and museums (as well as necessary jailbreaking of console computer code for preservation uses only), and discontinued video games that never required server support, for preservation by libraries, archives, and museums
- Computer programs other than video games, for the preservation of computer programs and computer program-dependent materials by libraries, archives, and museums
- Computer programs that operate 3D printers, to allow use of alternative material
- Computer programs for purpose of investigating potential infringement of free and open source computer programs
- Video games in the form of computer programs for purpose of allowing an individual with a physical disability to use alternative software or hardware input methods

### ITEM C. EXPLANATION OF NEED FOR RENEWAL

Provide a brief explanation summarizing the continuing need and justification for renewing the exemption. The Office anticipates that petitioners will provide a paragraph or two detailing this information, but there is no page limit. While it is permissible to attach supporting documentary evidence as exhibits to this petition, it is not necessary. Below is a hypothetical example of the kind of explanation that the Office would regard as sufficient to support renewal of the unlocking exemption. The Office notes, however, that explanations can take many forms and may differ significantly based on the individual making the declaration and the exemption at issue.

We are academics who research computer security. We were part of the group of original proponents of the security research exemption in 2015, and we successfully renewed this exemption during the last two section 1201 rulemaking cycles. As such, we are fully aware of the issues involved with this exemption and the historical need for it. We continue to perform the same categories of research as those articulated in our original petition, and we continue to face the same copyright concerns that gave rise to our original petition for this exemption.

Through our work, we have personal knowledge that the need continues to exist for this exemption, and we have no reason to believe that it will abate during the next triennial period. Indeed, during the last three years, one of us has continued to receive threats of prospective litigation from copyright holders in connection with his security research on software in voting systems. In addition to our own reliance on this exemption, we have personally heard from security researchers who rely on this exemption in their research. For example, the DEFCON Voting Village (the "Village") continues to operate, and it intends to do so in the future on an annual basis, provided that the exemption is renewed. The existence of the exemption ensures that participants' experiential learning on voting systems in the Village (and the creative works that arise from that research) do not also give rise to litigation under section 1201. Examples of recent Village activity and creative works can be found here: <https://www.youtube.com/@defconvotingvillage1434/streams> ; <https://twitter.com/VotingVillageDC>. The Village includes not only a hands-on security research component but also a speaker track with public performances and discussions of ongoing research aimed at furthering security research education. A set of new creative works has resulted from each Village research event. As the reports from past Village events explain, participants have been able to successfully identify and develop exploits for existing vulnerabilities in a variety of voting systems in use at the time in the United States – flaws that attackers might use as a point of entry into these systems, if not corrected. The press coverage of these findings has also resulted in the creation of additional creative works and furthered the state of public knowledge regarding the importance of security in voting systems. Thus, the state of knowledge regarding security of voting systems was advanced, and numerous creative works resulted from the good-faith security research enabled by the exemption.

As was the case three years ago, some software creators continue to adopt a litigious posture in response to good-faith security research. Consequently, the harms identified in our original petition continue, and they will persist for the foreseeable future. Indeed, since the last renewal of this exemption, we are aware of software creators who have threatened litigation not only against security researchers, but also against the journalists who report on security research. As these dynamics demonstrate, the public safety and authorship chilling concerns that animated our original petition remain. Progressively greater numbers of products and services rely on software for their safe operation, and the need for the exemption continues for the reasons previously articulated by us in our original petition and by the Register in recommendations during the last three rulemaking cycles.

**ITEM C. EXPLANATION OF NEED FOR RENEWAL** (CONT'D)

## ITEM D. DECLARATION AND SIGNATURE

The declaration is a sworn statement made under penalty of perjury and must be signed by one of the petitioners named above.

I declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. Based on my own personal knowledge and experience, I have a good faith belief that but for the above-selected exemption's continuation during the next triennial period (October 2024–October 2027), technological measures controlling access to relevant copyrighted works are likely to diminish the ability of relevant users to make noninfringing uses of these works, and such users are likely to rely upon the above-selected exemption during the next triennial period.
2. To the best of my knowledge, there has not been any material change in the facts, law, or other circumstances set forth in the prior rulemaking record (available at [copyright.gov/1201/2021](https://copyright.gov/1201/2021)) that originally demonstrated the need for the above-selected exemption, such that renewal of the exemption would not be justified.
3. To the best of my knowledge, the explanation provided in Item C above is true and correct and supports the above statements.

### Name/Organization:

*If the petitioner is an entity, this declaration must be signed by an individual at the organization having appropriate personal knowledge.*

Prof. Andrea M. Matwyshyn on behalf of Prof. Matt Blaze and Prof. Steve Bellovin

### Signature:

*This declaration may be signed electronically (e.g., "/s/ John Smith").*

/s/ Andrea Matwyshyn

### Date:

July 7, 2023