

[Proposed class or classes of copyrighted work(s) to be exempted]= Proposed Class #1: Computer programs that enable wireless telephone handsets to execute lawfully obtained software applications, where circumvention is accomplished for the sole purpose of enabling interoperability of such applications with computer programs on the telephone handset.  
Proposed Class #2: Audiovisual works released on DVD, where circumvention is undertaken solely for the purpose of extracting clips for inclusion in noncommercial videos that do not infringe copyright.

[Brief summary of the argument(s) in support of the exemption proposed above]= Cellular phones are increasingly sophisticated computing devices, capable of running applications from a variety of software vendors. Several mobile phone providers, however, have deployed technical measures that prevent subscribers from installing applications from vendors of their choice, instead forcing customers to purchase their applications only from the providers' preferred sources. There is no copyright-related rationale for preventing iPhone owners from decrypting and modifying the device's firmware in order to enable their phones to interoperate with applications lawfully obtained from a source of their own choosing.

The vast majority of amateur remix video creators rely on DVD rippers to obtain the DVD clips they need. These creators thus risk civil liability based on their circumvention of CSS, even where their videos would otherwise be adjudicated to be noninfringing fair uses. This risk of circumvention liability also chills the ability of remix video creators to resist unfounded DMCA "takedown notices" that impair their ability to share remix videos on the Internet. An exemption to § 1201(a)(1) is necessary if these remix video creators are to have a meaningful opportunity to engage in noninfringing creativity without unintentionally transgressing the prohibitions of § 1201(a)(1).