



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

## 8th 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 <https://www.copyright.gov/1201/2021/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.

Bobette Buster, Independent Documentary Producer and Screenwriter  
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Authors Alliance  
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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 educational purposes by college and university or K-12 faculty and students
- Excerpts for educational purposes by faculty in massive open online courses (“MOOCs”)
- Excerpts for educational purposes in digital and literacy programs offered by libraries, museums, and other nonprofits
- Excerpts for use in nonfiction multimedia e-books
- 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
- For the provision of captioning and/or audio description by disability services offices or similar units at educational institutions for students with disabilities

### **Literary Works:**

- Literary works distributed electronically (*i.e.*, e-books), for use with assistive technologies for persons who are blind, visually impaired, or have print disabilities
- Literary works consisting of compilations of data generated by implanted medical devices and corresponding personal monitoring systems, to access personal data

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

- Computer programs that operate cellphones, tablets, mobile hotspots, or wearable devices (*e.g.*, smartwatches), to allow connection of a new or used device to an alternative wireless network (“unlocking”)
- Computer programs that operate smartphones, tablets and other all-purpose mobile computing devices, smart TVs, or voice assistant devices to allow the device to interoperate with or to remove software applications (“jailbreaking”)
- Computer programs that control motorized land vehicles, including farm equipment, for purposes of diagnosis, repair, or modification of the vehicle, including to access diagnostic data
- Computer programs that control smartphones, home appliances, or home systems, for diagnosis, maintenance, or repair of the device or system
- Computer programs for purposes of good-faith security research
- Computer programs other than video games, for the preservation of computer programs and computer program-dependent materials by libraries, archives, and museums
- 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 that operate 3D printers, to allow use of alternative feedstock

## 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 may 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.

Bobette Buster is Professor of the Practice of Digital Storytelling at Northeastern University in Boston; 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); author of the e-book *Deconstructing Master Filmmakers*; the writer/producer of *Making Waves: The Art of Cinematic Sound* (2019 premiere at Cannes, Tribeca, BFI London, Munich, Bhusan (Korea) amongst many other international festivals); and the author of *Do Listen: Understand What's Being Said. Find a New Way Forward.* (Do Book Co., Chronicle Books - 2018). Both *Do Story* and *Do Listen* are also available on Audible.com via Penguin/Random House. For more information, visit [http://www.bobettebuster.com/BB\\_about.html](http://www.bobettebuster.com/BB_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 AAUP is a nonprofit membership association of faculty and other academic professionals. Since our founding in 1915, the AAUP has helped to shape American higher education by developing the standards and procedures that maintain quality in education and academic freedom in this country's colleges and universities. We define fundamental professional values and standards for higher education, advance the rights of academics, particularly as those rights pertain to academic freedom and shared governance, and promote the interests of higher education teaching and research.

As proponents and supporters of the existing exemption for multimedia ebooks offering film analysis, the petitioners are well situated to affirm that the record supporting the Office's promulgation of the previous exemption remains ripe today. In particular, Ms. Buster is an active proponent, supporter, and user of the existing exemption for multimedia e-books, as such she is well situated to affirm that the record supporting the Office's promulgation of the previous exemption remains applicable today.

More specifically, Ms. Buster continues to work on an e-book series, based on her lecture series, "Deconstructing Master Filmmakers: The Uses of Cinematic Enchantment," that relies on the availability of high-resolution video not available without circumvention of technological protection measures. Ms. Buster's work would continue to be adversely affected by Section 1201's anti-circumvention measures, as she conclusively demonstrated during the sixth and seventh triennial review in 2015, if the exemption for multimedia e-books offering film analysis were to expire. Ms. Buster's work is an archetypal example of the use embodied in the previously granted exemption, was featured significantly in the Register's final analysis, and was examined at length during the Office's hearings.

Her continuing work on the same project is sufficient for the Office to rely upon the record developed during the sixth and seventh triennial reviews and renew the exemption. The availability of the video necessary for authors such as Ms. Buster to undertake film analysis in e-books continues be limited to formats encumbered by technological protection measures, and such use of that video remains non-infringing. Ms. Buster is not aware of significant business, technological, or legal developments that have disturbed these circumstances, upon which the Register relied in recommending the original exemption. Accordingly, the Librarian and the Office should rely upon the record developed during the sixth and seventh proceeding to renew the existing exemption.

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

[Empty rectangular box for providing the explanation of need for renewal.]

## 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 2021 – October 2024), 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 <https://www.copyright.gov/1201/2018>) 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.*

Bobette Buster

### Signature:

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

/s/ Bobette Buster

### Date:

July 15, 2020