Petition for New Exemption Under 17 U.S.C. § 1201

9th Triennial Rulemaking

Please submit a <u>separate</u> petition for each proposed exemption.

NOTE: Use this form if you are seeking to engage in activities <u>not currently permitted</u> 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 should submit a petition to renew that exemption using the form available at **copyright.gov/1201/2024/renewal-petition.pdf**.

If you are seeking to expand a current exemption, we recommend that you submit <u>both</u> a petition to renew the current exemption, <u>and</u>, 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.

This petition is submitted by Peter Decherney, Professor of Cinema and Media Studies and English at the University of Pennsylvania on behalf of himself and Sarah Banet-Weiser, Professor and Dean, Annenberg School for Communication, University of Pennsylvania; Shiv Gaglani, Ed Tech Entrepreneur and Medical Student and the Society for Cinema and Media Studies (SCMS) hereinafter known as "Joint Educators."

Parties interested in contacting the submitter should contact Peter DeCherney at decherney@sas.upenn.edu (215-746-3156.)

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 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.

A proposed exemption for the circumvention of technological protection measures to allow educators and preparers of online learning materials offered by educational entities to use short excerpts of motion pictures (including television shows and videos) for the purpose of criticism, comment, illustration and explanation in offerings to registered learners of online learning platforms when use of the excerpts will contribute significantly to learning. The educational entity will limit these online learning materials, to the extent technologically feasible, to registered learners of their online learning platform, institute copyright policies, and provide copyright information to educators and preparers of online learning materials, learners, and relevant staff members, and to the extent technologically feasible, will work to reasonably prevent unauthorized further dissemination of the materials in accessible form to others.

In the last three years, the drive for online education in this country has continued to skyrocket. Long before COVID forced students everywhere to learn at home, people of all ages, in a wide range of life situations, were turning to online learning platforms offered by innovative educational entities like Khan Academy, LinkedIn Learning, Osmosis.org and Code.org for supplemental education, upskilling, retraining and lifelong learning. In addition, schools, colleges, and universities increasingly use these educational entities as supplements to their curricula. Still others offer MOOCs and a wide range of online courses to the general public. The existing exemption for online learning applies to only some of these learning settings. The proposed exemption will apply to all educational entities and help to level the playing field by enhancing innovative online education for populations that are already most left behind by our system.

ITEM B. DESCRIPTION OF PROPOSED NEW EXEMPTION *(CONT'D)*