UNITED STATES COPYRIGHT OFFICE

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

Tenth Triennial Rulemaking

Please download this form before filling out any form fields.
Please submit a separate petition for each proposed exemption.

New Exemptions, Expansions, or Modifications

Use this form if you want to petition for a new exemption; modify a current exemption, such as altering the language in a current exemption; or are seeking to engage in activities not currently permitted by an existing exemption.

Renewals of Exemptions

Use the **Petition to Renew a Current Exemption form** to renew a current exemption with no changes. You must also file a renewal petition if you are filing a new petition for expanding or modifying a current 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.

FULU Foundation ("FULU") is a national non-profit organization that advocates to restore consumers' control over the technology that they buy and own. FULU organizes consumer rights advocates, hardware repair technicians, software developers, security researchers, and everyday device owners committed to preserving ownership, permanent access, and the right to repair digital property. It also runs the Consumer Rights Wiki, which documents examples of anti-consumer behavior.

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. Description of Proposed New Exemption

Provide a brief statement explaining the nature of the proposed new 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 which 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. A complete legal and evidentiary showing supporting this new exemption petition should accompany the comments in support of requested exemptions during the round 1 comment period. Those seeking to submit comments in response to a petition depend on proponents fulfilling the appropriate evidentiary requirements, so providing a complete legal and evidentiary show in support of this new exemption is critical.

NOTE: Examples of new petitions proposed last rulemaking cycle can be found at **copyright.gov/1201/2024/petitions/proposed**. Informational guides explaining the 1201 rulemaking process and the petition phase can be found at **copyright.gov/1201**.

FULU requests an exemption permitting circumvention of technological protection measures on programs that control the functioning of lawfully-acquired consumer devices, such as smart home devices, e-readers, smart speakers, IoT cameras, connected appliances, smart toys, connected vehicles, wearables, and similar devices when the manufacturer: (a) has discontinued service or software support essential to its use; or (b) has ceased business. These programs are typically stored in the device's firmware or accessed through cloud-based services/servers. Consumers need to access and modify these programs to continue to use the product for its intended purpose.

This includes the ability for consumers to maintain, repair, install, or substitute the discontinued software for third-party or community-developed software. In the absence of this exemption, technological protection measures tied to now-defunct services or unsupported software prevent lawful owners from making non-infringing uses of their devices.

If you need more space, please click here to add additional pages to this form.