



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.

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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. 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.

Unsupported-Platform Optical-Disc Playback

1. Types of copyrighted works that need to be accessed

Motion pictures, including television programs, videos, and supplementary motion-picture works, distributed on DVD or standard (non-UHD) Blu-ray Disc.

2. Physical media or devices on which the works are stored or accessed

The works are stored on lawfully made and lawfully acquired DVDs protected by CSS and standard Blu-ray Discs protected by AACS and any applicable BD+. An individual owner would play the disc from a compatible optical drive on an owner-controlled computing device. The principal severable configurations are DVD and standard-Blu-ray playback on GNU/Linux and comparable identified open-source desktop systems, and standard-Blu-ray playback on Windows 11 on Arm. Other exact platforms may qualify if the Round 1 record establishes the same access-control barrier and lack of a licensed pathway.

As an independently severable branch, the computing device could provide live playback to one owner-controlled portable display within the same private premises by direct wire or an authenticated, encrypted private local network not routed over the public Internet. Ultra HD Blu-ray/AACS2 is addressed in a separate petition.

3. Purposes for which the works need to be accessed

The purpose is contemporaneous, private, local, noncommercial playback from the disc. The primary activity is direct playback on the computing device. The severable one-display branch would allow that device to serve as the optical-disc host for one portable display and one private household audience within the same premises. The disc would remain present throughout playback, and only transitory playback and transport data would be used. No complete or substantially complete decrypted motion picture would remain reasonably reconstructable after the session or at either endpoint.

The request excludes making or retaining a movie file, later playback from a copy, recording, public-Internet routing, cloud relays, remote access, distribution, public performance, commercial circumvention services, rented or borrowed discs, multiple receivers, and a separate audience.

4. Types of users who want access

The users are individual owners in continuous lawful possession of the disc who cannot complete the claimed use through a licensed, operational, reasonably available U.S. consumer pathway after reasonable configuration efforts. They control the computing device and, for the severable one-display branch, the single portable display. A pathway must be currently obtainable and usable for the claimed use on the devices employed; an obsolete listing, unavailable legacy product, or theoretical license is not sufficient. Same-room, direct-wired, and owner-only viewing are narrower alternatives for the one-display branch.

5. Barriers that currently exist or are likely to exist in the near future

On a qualifying configuration, CSS, AACS, and any applicable BD+ prevent an otherwise functional device from decrypting and rendering the protected disc. Current evidence identifies gaps in the licensed-product market. Licensed Linux products existed historically, but Fluendo ended distribution of its Linux DVD player in 2021. CyberLink states that current PowerDVD versions do not support Blu-ray Disc playback on Qualcomm-based Windows 11 on Arm systems. Current consumer PC products also ship with, or officially support, Linux-based SteamOS, making this a present consumer-platform problem rather than merely a preference to replace a supported operating system.

Item B. Description of Proposed New Exemption *(continued)*

For every configuration advanced in Round 1, the record will include a current licensed-product census and testing showing that the device, operating-system version, optical drive, and playback path can render a comparable unencrypted authored disc, leaving CSS, AACS, or any applicable BD+—not an output control or ordinary incompatibility—as the remaining barrier. The one-display branch would apply only after the same live use has lacked a licensed, operational, reasonably available U.S. consumer pathway for at least six months and would cease if such a pathway becomes reasonably available. That branch additionally requires proof that circumvention of the source-disc control—not HDCP or another output or rights control—enables an otherwise functional one-receiver pipeline and leaves no reconstructable movie at either endpoint. But for 17 U.S.C. § 1201(a) (1), qualifying owners could bypass the source-disc barrier and engage in the bounded private playback described above.

Direct playback and the one-display branch are independently severable. The one-display branch should be advanced in Round 1 only if testing establishes source-control causation, one private audience, and no fixation.