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.

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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**.

Disc-Source Bundled Digital-Copy Restoration

1. Types of copyrighted works
Motion pictures, including television programs, videos, and supplementary motion-picture works.

2. Physical media, devices, and services
Lawfully made and lawfully acquired DVDs protected by CSS, standard Blu-ray Discs protected by AACS and any applicable BD+, and Ultra HD Blu-ray Discs protected by AACS2, in consumer packages expressly represented as including a title-specific authorized digital copy.

3. Purpose of the requested access
To make one secured, owner-only, local, noncommercial substitute no broader in title, version, audiovisual quality, content, functionality, users, or audience than the represented digital copy. It would be destroyed upon sale, gift, disposal, or loss of the package. This is not a general disc-copying request; distribution, transfer, network availability, public or commercial use, circumvention services, and trafficking are excluded.

4. Types of users
Individual owners must continuously possess the disc and package. One branch covers a benefit validly redeemed before provider functionality ceased. The other covers a new first-retail purchaser, or intended recipient, who possesses the original unused code, promptly attempted redemption, and objectively shows publisher-set expiration. Expiration may be shown by a provider response or documented expiration, failure, and support inquiry yielding neither a cure nor a specific alternative reason after other causes are reasonably excluded. No owner-held restoration route or materially equivalent, no-charge replacement may remain available. The two histories are severable.

5. Current or likely barriers
Funimation's website and services ended on April 2, 2024, and Crunchyroll states that previously available Funimation digital copies are no longer supported or available. Warner Bros. states that expiration runs from title release rather than purchase and that expired codes are not renewed or replaced. The Funimation shutdown followed the prior cycle's Round 1 comment deadline, making this loss newly concrete in this cycle.

The service or code failure creates the need for relief but is not the access control. The complete motion picture remains on the disc, and technically feasible circumvention would make the bounded substitute without obtaining server content. Owners refrain because § 1201(a)(1)(A) prohibits bypassing the disc access control. But for that prohibition, they could make the representation-bounded substitute claimed to be noninfringing; the disc control is the remaining legal barrier after licensed alternatives and non-TPM causes are excluded.

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

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

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