



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.

Damaged or Deteriorating Optical-Disc Replacement

1. Types of copyrighted works

Motion pictures, including television programs, videos, and supplementary motion-picture works, distributed on protected optical discs.

2. Physical media and devices

The works are stored on lawfully made and lawfully acquired discs owned by individuals: DVD-Video/CSS; HD DVD/AACS; standard Blu-ray Disc/AACS and any applicable BD+; and Ultra HD Blu-ray Disc/AACS2. The disc must remain sufficiently readable in a compatible optical drive. The one replacement could reside on secured, owner-controlled local or removable storage or in one cloud account. A cloud copy would be encrypted before upload with an owner-controlled key and could not be shared, publicly linked, or yield another retained usable copy or separate audience.

3. Purpose of access

The purpose is to make one secured, noncommercial personal replacement while an owned disc is actually damaged or objectively deteriorating but remains recoverable. An individualized, documented condition must materially impair or threaten reliable access under a recognized failure mechanism, or produce a reproducible read or playback error under an objective protocol. Age, format, or suspected-cohort membership alone would not qualify.

The replacement could contain no more motion-picture content than the disc. The original would be retained and retired from ordinary viewing once the replacement is used. Private, noncommercial viewing by the owner or household as one audience would be permitted. Distribution, lending, separate sale, public availability or performance, access by another person or household, commercial circumvention, and media-streaming services would be excluded. On voluntary transfer, the replacement would accompany the original or be destroyed; it could remain after documented unreadability or involuntary loss or destruction.

4. Users seeking access

The users are individual owners in continuous lawful possession of a qualifying disc that can be recovered before failure becomes total. Each format is severable. The primary class would not compel repurchase or make another version's availability dispositive. Exact-edition market-check, stronger-diagnostic, owner-only, and local-storage-only conditions remain available as fallbacks, without requiring a used-disc search.

5. Existing and likely barriers

Physical failure creates the deadline, but the applicable control—CSS, AACS and any BD+ employed, or AACS2—creates the legal barrier to making a usable replacement. The need is newly concrete this cycle: a 2025 public report reproduced a Warner Bros. statement concerning potential playback problems affecting select 2006–08 DVDs and limits on same-title replacements, while the 2024 renewal record documented continuing disc deterioration.

Qualified owners refrain because § 1201(a)(1) prohibits the circumvention needed to recover the protected content. But for that prohibition, they could make one bounded replacement before the source becomes unreadable; after total failure, an exemption would come too late. The class would not authorize infringement or trafficking in circumvention technology.

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