



# Petition to Renew a Current 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 current exemption for which renewal is sought.

### Renewals of Exemptions

Use this form to petition to renew a current exemption with no changes. You must also submit the new exemption petition form to petition to expand or modify a current exemption.

### New Exemptions, Expansions, or Modifications

Use the **Petition for New Exemption form** to petition for a new exemption, modify a current exemption, or are seeking to engage in activities not currently permitted by an existing 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.

Joint Educators:

Peter Decherney, Edmund J. and Louise W. Kahn Endowed Term Chair in the Humanities, University of Pennsylvania  
(decherne@upenn.edu)

John Jackson, Provost, University of Pennsylvania

Sarah Banet-Weiser, Dean, Annenberg School for Communication, University of Pennsylvania

Society for Cinema and Media Studies

Library Copyright Alliance

**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. Identify Which Current Exemption Petitioners Seek to Renew

Check the appropriate box below that corresponds with the current temporary exemption (see **37 C.F.R. § 201.40**) the petitioners seek to renew. Please check only one box. If renewal of more than one exemption is sought, a separate petition must be submitted for each one.

### Motion Pictures (including television programs and videos):

- ☐ Excerpts for use in documentary filmmaking or other films where use is in parody or for a biographical or historically significant nature
- ☐ Excerpts for use in noncommercial videos
- ☐ Excerpts for use in nonfiction multimedia e-books
- ☒ Excerpts for educational purposes by college and university faculty, students, or employees acting at the direction of faculty, or K-12 educators and students
- ☐ Excerpts for educational purposes by faculty and employees acting at the direction of faculty in massive open online courses (“MOOCs”)
- ☐ Excerpts for educational purposes in digital and literacy programs offered by libraries, museums, and other nonprofits
- ☐ For the provision of captioning and/or audio description by disability services offices or similar units at educational institutions for students, faculty, or staff with disabilities
- ☐ For the preservation or the creation of a replacement copy of the motion picture by libraries, archives, or museums
- ☐ For text and data mining by a researcher affiliated with a nonprofit institution of higher education, or by student or staff at the direction of such researcher, for the purpose of scholarly research and teaching

### Literary Works:

- ☐ Literary works distributed electronically for text and data mining by a researcher affiliated with a nonprofit institution of higher education, or by student or staff at the direction of such researcher, for the purpose of scholarly research and teaching
- ☐ Literary works or previously published musical works that have been fixed in the form of text or notation whose technological protection measures interfere with assistive technologies
- ☐ Literary works consisting of compilations of data generated by medical devices or their personal corresponding monitoring systems, to access personal data

### Computer Programs and Video Games:

- ☐ Computer programs that operate wireless devices, to allow connection to an alternative wireless network (“unlocking”)
- ☐ Computer programs that operate smartphones and portable all-purpose mobile computing devices to allow the device to interoperate with or to remove software applications (“jailbreaking”)
- ☐ Computer programs that operate smart televisions to allow the device to interoperate with software applications on the television for purposes other than gaining unauthorized access to copyrighted works (“jailbreaking”)
- ☐ Computer programs that operate voice assistant devices to allow the device to interoperate with or to remove software applications for purposes other than gaining unauthorized access to copyrighted works (“jailbreaking”)
- ☐ Computer programs that operate routers and dedicated network devices to allow the device to interoperate with software applications on the device for purposes other than gaining unauthorized access to copyrighted works (“jailbreaking”)
- ☐ Computer programs that control motorized land vehicles, marine vessels, or mechanized agricultural vehicles or vessels for purposes of diagnosis, repair, or modification of the vehicle or vessel, including to access diagnostic data

## Item B. Identify Which Current Exemption Petitioners Seek to Renew *(continued)*

### Computer Programs and Video Games:

- ☐ Computer programs that control motorized land vehicles, marine vessels, commercial vehicles or vessels, or mechanized agricultural vehicles or vessels by vehicle or vessel owners and lessees, or those acting on their behalf, for purposes of accessing, storing, and sharing operational data
- ☐ Computer programs that control devices designed primarily for use by consumers for diagnosis, maintenance, or repair of the device
- ☐ Computer programs that control retail-level commercial food preparation equipment for purposes of diagnosis, maintenance, or repair of the device
- ☐ Computer programs that control medical devices or systems, and related data files, for diagnosis, maintenance, or repair of the device or system
- ☐ Computer programs for purposes of good-faith security research
- ☐ Video games for which outside server support has been discontinued, to allow individual play by gamers and preservation of games by libraries, archives, and museums (as well as necessary jailbreaking of console computer code for preservation uses only), and discontinued video games that never required server support, for preservation by libraries, archives, and museums
- ☐ Computer programs other than video games, for the preservation of computer programs and computer program-dependent materials by libraries, archives, and museums
- ☐ Computer programs that operate 3D printers, to allow use of alternative material
- ☐ Computer programs for purpose of investigating potential infringement of free and open source computer programs

## Item C. Explanation of Need For Renewal

Provide a brief explanation summarizing the continuing need and justification for renewing the exemption. While it is permissible to attach supporting documentary evidence as exhibits to this petition, it is not necessary. Only petitions requesting renewal of exemptions granted in the **ninth triennial rulemaking** as codified in the *Code of Federal Regulations* may be considered under the streamlined renewal process.

**NOTE:** Examples of renewal petitions filed in the last rulemaking cycle can be found at [copyright.gov/1201/2024/petitions/renewal](https://copyright.gov/1201/2024/petitions/renewal). Informational guides explaining the 1201 rulemaking process and the streamlined renewal process can be found at [copyright.gov/1201](https://copyright.gov/1201).

Educators submit this petition to renew the exemption to prohibition against circumvention for motion pictures for educational purposes as stated in 37 CFR. § 201.40 (b) (1) (ii). A version of the educational exemption was first adopted in 2006. It has been renewed, with modifications in the 2010, 2012, 2015, 2018, 2021, and 2024 rulemakings. It has become clear each cycle that without this exemption, many aspects of higher education in the United States would not have been able to flourish. The close analysis of digital media continues to be recognized across academic disciplines as a fundamental pedagogical tool. Educators across the curriculum analyze media in class presentations, and students rely on excerpts from digital media for their own classroom presentations and coursework.

In media studies, for example, video essays are assigned as course assignments as commonly as written essays and in-class presentations. A video essay is a piece of video-based criticism or scholarship that makes an argument through the audiovisual medium itself — using editing, juxtaposition, voiceover, pacing, and sound design as the actual tools of analysis. Co-petitioner Peter Decherney, Professor at the University of Pennsylvania, continues to teach courses every semester that require students to create video essay. He assigns these essays to students in media history courses as well as media production courses. Students will show their video essays in class for comment and discussion. One video essay, for example, compared Disney characters to feminist media criticism published contemporaneously with the films' release. Other video essays draw more from the genres of fan criticism, such as a video that compressed the history of dance on film into a few minutes. The genre of the film essay has a long tradition and includes the work of Soviet filmmaker Sergei Eisenstein, French filmmaker Chris Marker, and Vietnamese filmmaker Trinh T. Minh-ha. Additionally, courses on video essays (or multimedia criticism or videographic criticism) are now taught at many universities including Swarthmore College and Middlebury College. There are books on video essays and journals devoted to publishing video essays. It is important to note that this entire field of teaching and scholarship could not have existed in the United States without fair use and the 1201 educational exemption.

Anthropology professors increasingly bring multimedia criticism into the classroom, treating film clips and other media not as illustrations of a written argument but as evidence and analytic tools in their own right. This practice grows out of visual anthropology's long history with ethnographic film, and it's been formalized in recent years as "multimodal anthropology" — a turn the field connects to emerging technologies like immersive VR, mobile apps, and social media reshaping how research and teaching happen. In practice, this means an instructor might build a lecture or seminar around close analysis of scenes from documentaries, news footage, or television dramas. An Anthropology course at Towson University in Maryland, for example, uses popular Korean drama to unpack nostalgia and redevelopment in urban Seoul, editing and juxtaposing these clips alongside scholarly text so that the audiovisual material does real interpretive work rather than sitting as backdrop. Organizations like the Society for Visual Anthropology and journals such as *American Anthropologist* (through its Visual Anthropology section) and *Society for Cultural Anthropology's* Visual and New Media Review have supported and showcased this kind of teaching, and graduate programs at institutions including Harvard and the University of Pennsylvania now build in training in videography and editing directly into their curricula, reflecting the field's view that a wide range of audiovisual recordings function as critical tools of analysis.

The need for access to high-quality audiovisual works, as explained during previous triennial rulemakings, has increased across the curriculum with the new advances in technology and new methods of distributing motion pictures. Educators are unable to provide an enriching and accurate description and analysis of cinematic or other audiovisual works when prevented from accessing such works due to TPM that block uses that would otherwise be considered fair use but for the TPM circumvention.

The exemption remains essential for higher education in the twenty-first century and after it has been used by educators for close to two decades, it has caused no harm to copyright owners and to our knowledge, and has not contributed to any infringement.

Educators again request the Register to recommend renewal of the exemption for motion picture works for educational purposes as fully expressed in 37 CFR § 201.40 (b) (1) (ii). Without the renewal of these exemptions, faculty and students will lose access to important content and face adverse effects negatively impacting the educational experience.

**Item D. Declaration and Signature**

The declaration is a sworn statement made under penalty of perjury, and must be signed by one of the petitioners named above.

I declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

- 1. Based on my own personal knowledge and experience, I have a good faith belief that but for the above-selected exemption’s continuation during the next triennial period (October 2027–October 2030), technological measures controlling access to relevant copyrighted works are likely to diminish the ability of relevant users to make noninfringing uses of these works, and such users are likely to rely upon the above-selected exemption during the next triennial period.
- 2. To the best of my knowledge, there has not been any material change in the facts, law, or other circumstances set forth in the prior rulemaking record (available at **copyright.gov/1201/2024**) that originally demonstrated the need for the above-selected exemption, such that renewal of the exemption would not be justified.
- 3. To the best of my knowledge, the explanation provided in Item C above is true and correct, and supports the above statements.

**Name/Organization:**

*If the petitioner is an entity, this declaration must be signed by an individual at the organization having appropriate personal knowledge.*

Peter Decherney

**Signature:**

*This declaration may be signed electronically (e.g., “/s/ John Smith”).*

/s/Peter Decherney

**Date:**

August 20, 2026