UNITED STATES COPYRIGHT OFFICE

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 activites 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.

Library Copyright Alliance
Jonathan Band, jband@policybandwidth.com

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**. Informational guides explaining the 1201 rulemaking process and the streamlined renewal process can be found at **copyright.gov/1201**.

The Library Copyright Alliance (LCA) consists of two major library associations--the American Library Association and the Association of Research Libraries—that collectively represent over 100,000 libraries. Libraries preserve digital heritage by making out-of-commerce software accessible in support of research, teaching, and learning.

LCA has had intimate engagement with the §1201 process, with participation in the DMCA rulemaking dating back to 2000. During the 2018 triennial rulemaking, LCA and the Software Preservation Network were granted an exemption regarding the preservation rights of libraries, archives, and museums, which included preservation for discontinued video games. In 2021, this rule was renewed with minor technical revisions, and it was renewed again in 2024.

Since the rule was granted and renewed, the rule has had continuing utility for video game preservation by libraries, archives, and museums, and we believe the rule will be needed in the future. Substantial numbers of historic video games were published with technological protection measures (TPMs) in place, and digital preservation is an ongoing, iterative process.

Video game collection librarians have ongoing need with respect to their collections. The §1201 exemption has become a crucial tool in their ongoing efforts to save digital game culture before it disappears. Accordingly, the rule permitting circumvention of TPMs encumbering out-of-commerce video games for preservation by libraries, archives, and museums should be renewed.

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

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.

Library Copyright Alliance

Signature:
This declaration may be signed electronically (e.g., "/s/ John Smith").

Jonathan Band

Digitally signed by Jonathan Band
Date: 2026.08.21 11:17:04 -04'00'

Date:

8/21/2026