



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.

Electronic Frontier Foundation
Victoria Noble, Staff Attorney
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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. 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.

I am a Staff Attorney at the Electronic Frontier Foundation (“EFF”), a member-supported nonprofit organization that advocates for the public on technology policy. Part of EFF’s mission is to protect the free expression and autonomy of technology users, as well as to advance innovation. In service of these values, EFF participates in agency rulemaking, lawmaking conversations, client counseling, and impact litigation to support the rights of technology users to understand and control the software that runs their devices. EFF has been involved with the section 1201 rulemaking process since its inception and has specifically advocated for ‘jailbreaking’ exemptions that the Librarian has granted in previous rulemakings.

Users of smartphones, tablets and other all-purpose mobile computing devices continue to depend on the ability to jailbreak their devices, enabling them to add and remove software, and to enable interoperability with other software and hardware. Technological measures for access control exist on these devices that adversely impact the ability to make these noninfringing uses.

Through my work, I have personal knowledge that this need exists, and I have no reason to believe that it will abate during the next triennial period. EFF staff heard from many device users who currently rely on the jailbreaking exemption and anticipate continuing to rely on the exemption in the future. Some examples include:

Use of Alternate Operating Systems: Several device owners told EFF that they use an alternate operating system for their devices, such as the privacy-focused operating systems CalyxOS and GrapheneOS. To install these alternative operating systems, iOS devices and many Android devices must first be jailbroken or rooted (the Android equivalent of jailbreaking). Users indicated they jailbreak their devices to gain full control of their devices, remove bloatware, and limit data collection by third parties. For example, one device owner reported that they jailbreak their device to stop apps from reporting to Google when they interact with them.

Make Older Devices Functional: Users also relied on jailbreaking to keep older devices functional. For example, one user told EFF that they helped friends install the operating system LineageOS on their support-expired devices. As devices become older, companies stop maintaining them or new updates gradually slow the phone down. By jailbreaking their devices, users are able to keep their older devices secure, improve their functioning, and prevent expensive devices from becoming obsolete.

Customization and Functionality: Many users reported that they use jailbreaking to develop and install customized applications without the need for approval from device manufacturers or official app stores. Examples reported to EFF include developing custom applications for auditing privacy practices of mobile apps; installing custom ad blocking features; and developing applications deemed unlikely to secure approval from the Google Play Store, the official marketplace for Android apps. Users greatly value the ability to customize their devices to their specific needs but can be prevented from doing so by access controls and the official app approval process. Other users indicated a commitment to using open source technologies. Many open source apps are only available outside official channels for a variety of reasons, such as to avoid paying high fees to Apple and Google or because the app has not been approved for official app stores. As Apple uses access controls to restrict app distribution to its official app store, iOS users rely on jailbreaking their devices to access these apps.

As was the case three years ago, while some Android manufacturers allow users to root their phones, many Android devices, including older ones, continue to employ access controls that prevent consumers from modifying their devices to interoperate with or to remove software applications. All iOS devices continue to employ such access controls in the U.S. I am not aware of any likely anticipated changes to this industry practice, and even if the industry practice did change, users would still need to jailbreak older devices manufactured before the change. As many of the same devices discussed in the previous rulemaking round are still in use today and will be in the next three years, the need to jailbreak persists. Absent a renewed exemption, users will be adversely affected in seeking to make the noninfringing uses protected by this exemption in the last rulemaking. I respectfully request that the Librarian renew this exemption.

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.

Electronic Frontier Foundation

Signature:

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

Victoria Noble

 Digitally signed by Victoria Noble
Date: 2026.08.24 13:39:14 -07'00'

Date:

August 24, 2026