



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.

Petitioner:

Institute of Scrap Recycling Industries, Inc., dba Recycled Materials Association
<https://www.recycledmaterials.org/>

Contact Info/Counsel for Petitioner:

Professor Phil Malone
Juelsgaard Intellectual Property and Innovation Clinic
Mills Legal Clinic
Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305-8610
(650) 725-6369

pmalone@law.stanford.edu

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.

Introduction – The Institute of Scrap Recycling Industries, Inc. (ISRI), dba Recycled Materials Association, is pleased to once again submit a petition for renewal in the Copyright Office's current DCMA Section 1201 triennial proceedings. In 2024, ISRI rebranded itself and began operating under a new dba, the Recycled Materials Association (ReMA). ReMA submits this renewal on behalf of our members who recycle, refurbish and repair used electronics devices including smartphones, tablets, notebooks, desktops computers, servers, and a myriad of other electronic products.

ReMA represents more than 1,700 companies in over 40 countries that transform end-of-life products into essential, high-quality raw materials the world relies on every day. Across electronic materials as well as metals, paper, plastics, glass, textiles, and rubber, ReMA members safely and efficiently process recycled materials into the building blocks that power manufacturing, strengthen and secure global supply chains, and conserve natural resources. ReMA is the only global trade association for the entire supply chain of the recycled materials industry. It is also the primary organization for electronics recyclers and reburbishers and IT asset disposition companies to come together and grow their businesses through an active community. In the United States alone, ReMA members deliver \$183 billion in economic activity each year and contribute 603,000 jobs in communities nationwide. For more information about ReMA, please visit <https://www.recycledmaterials.org/>.

Background – ReMA, under its previous name ISRI, has submitted new, expansion, and renewal petitions in the §1201 triennial proceedings over multiple cycles. In response to an ISRI petition, comments, and reply comments, the 2021 Final Rule granted an exemption for “[c]omputer programs that enable wireless devices to connect to a wireless telecommunications network, when circumvention is undertaken solely in order to connect to a wireless telecommunications network and such connection is authorized by the operator of such network.” 37 CFR § 201.40(b)(8). ReMA, under the ISRI name, submitted a renewal petition for this exemption in July, 2023. The October 2024 Final Rule granted that renewal request and continued the exemption. ReMA is aware of the issues involved with this exemption and the historical need for it. Through my work, I have personal knowledge that this need continues to exist and will do so during the next triennial period. ReMA therefore requests that this unlocking exemption once again be renewed.

Continued Expansion of the Number of Wireless, Especially 5G, Devices - The Register's 2021 Recommendation to approve the current exemption recognized that an increasing number and range of devices included the ability to connect to a wireless communications network, and that many 5G-enabled devices generally used one of a limited number of modems, meaning that the firmware subject to the fair use analysis and the TPM and firmware being circumvented are often the same across device categories that share a particular modem. While the number of discrete 5G modems that device manufacturers can buy to integrate into their devices has increased somewhat during the last three years, my understanding is that a significant number of 5G chipsets in the United States continue to be developed by Qualcomm, so unlocking all wireless devices continues to implicate a limited number of modem models from a single chipset vendor. Moreover, as ISRI's comments predicted in 2021 and again in 2023, the number of devices of all sorts that include 5G connectivity has continued to rise significantly, including over the last three years. As of April 2026, industry reports indicate that 4,256 discrete 5G device types have been announced, a 24% increase from the year before and a dramatic increase over the June 2023 total of roughly 1,579 commercially available devices. See Global Mobile Suppliers Association, State of the Market April 2026, <https://gsacom.com/paper/state-of-the-market-april-2026/>. While smartphones remain the primary type of device utilizing 5G connections, accounting for slightly over half, the last three years have seen considerable growth in other types of devices including industrial routers, modules, and Fixed Wireless Access (FWA) devices (wireless connections that provide broadband access to a specific location such as a business premises or industrial facility, including smart meters, agricultural sensors, remote cameras and surveillance devices, and many others). <https://gsacom.com/key-data/5g-devices/>.

Bulk Unlocking Continues to be Necessary – ReMA, under the ISRI name, previously detailed, and the Register's Recommendations and the Final Rules recognized, the adverse effects caused by the threat of §1201 enforcement and experienced by wireless device owners, including individual consumers, resellers, and recyclers. These effects continue. As just one example, with regard to wireless phones, the FCC's website confirms that carrier locking continues to limit the use of some wireless phones. FCC, Cell Phone Unlocking, <https://www.fcc.gov/general/cell-phone-unlocking> (“if a consumer purchased a phone from one provider to use on that provider's network, the phone may contain software that prevents it from being operated on another provider's technologically compatible network. This software “locks” the phone to a provider's network. . . . With many providers, unless you purchased a phone or device specifically sold as “unlocked” at the point of purchase, you should presume that it is locked to a specific wireless service provider's network.”). Since July 2024, the FCC has had an open rulemaking

Item C. Explanation of Need For Renewal *(continued)*

proceeding considering whether to require wireless companies to unlock mobile phones within 60 days of activation to improve consumer choice and enhance competition. NPRM, Promoting Consumer Choice and Wireless Competition Through Handset Unlocking Requirements and Policies (Jul 18, 2024), <https://docs.fcc.gov/public/attachments/FCC-24-77A1.pdf>.

Going into 2026, ReMA members continue to purchase or acquire donated cell phones, tablets, laptops, and an increasingly wide variety of other wireless-enabled devices no longer needed by their original owners, and work to make the best possible use of them through resale or recycling. These devices are at times still locked by wireless carriers in ways that prevent them from being used on other carriers, and ReMA resellers and recyclers continue to receive devices from their prior owners in a locked state. While there are variations in which devices are locked and when or if carriers are willing to unlock them, the overall landscape has not changed in any way material to this exemption. Unlocking those devices does not implicate legitimate copyright interests any more now than three years ago. And the exemption continues to be necessary to allow device owners to connect their devices to a wireless telecommunications network of their choice.

In addition, extending the useful life of wireless-enabled devices through unlocking supports broader supply chain resilience objectives. By enabling the reuse and refurbishment of devices that contain valuable metals and critical minerals, the unlocking exemption helps maximize the productive use of materials already in circulation and reduces the need for new resource extraction. This contributes to a more secure and sustainable domestic supply of materials essential to modern manufacturing and technology.

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.

Kristen Hildreth, VP, Government Relations & Public Policy, ReMA

Signature:

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

/s/ Kristen Hildreth

Date:

August 24, 2026