



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.

MEMA, The Vehicle Suppliers Association, 1425 K Street, NW, Suite 910, Washington, DC 20005

Authorized Contact: Jon Gentile, Vice President of Legislative Affairs, jgentile@mema.org

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.

MEMA, The Vehicle Suppliers Association, is the leading trade association in North America for vehicle suppliers, parts manufacturers, and remanufacturers. On behalf of the aftermarket supplier industry, MEMA Aftermarket Suppliers, welcomes the Administration's focus on and support for domestic manufacturing in the United States. MEMA Aftermarket Suppliers exclusively serves manufacturers of aftermarket components, tools and equipment, and related products, an important part of the automotive parts manufacturing industry which supports 930,000 American jobs in all 50 states. MEMA Aftermarket Suppliers represent the manufacturers of replacement vehicle parts, tools, diagnostics, and technologies that keep vehicles operating safely, efficiently, and affordably throughout their lifecycle.

MEMA petitions for renewal of the exemption for circumvention of technological measures that control access to computer programs contained in and controlling the functioning of lawfully acquired motorized land vehicles, marine vessels, commercial vehicles or vessels, or mechanized agricultural vehicles or vessels, to allow vehicle or vessel owners and lessees, or those acting on their behalf, to access, store, and share operational data, including diagnostic and telematics data, as set forth at 37 C.F.R. § 201.40(b)(14). MEMA was the original proponent of this exemption, which was adopted as a new Class 7 exemption in the Ninth Triennial Rulemaking Proceeding in October 2024.

The exemption's continuing necessity is underscored by the types of TPMs that restrict access to vehicle operational data. As prior DMCA triennial rulemakings have well documented, there are several types of TPMs that restrict access to electronic control units ("ECUs"), including challenge-response procedures, encryption, secure gateways, proprietary authentication protocols, and disabled access ports on the circuitry itself. These TPMs prevent vehicle owners and lessees from accessing non-copyrightable data that they themselves generate when driving. Without this exemption, vehicle owners would be unable to share service alerts, vehicle performance metrics, or driving records with their preferred service provider, aftermarket parts manufacturer, or insurance company. The exemption permits access through any technological means—including through physical interface ports such as the OBD-II port as well as through wireless telematics systems—because the exemption's language does not restrict the method of access. Aftermarket suppliers have long relied on standardized access through physical diagnostic interfaces to develop diagnostic tools, replacement parts, and service equipment that support vehicle owners and independent repairers. The exemption's technology-neutral scope ensures that OEMs cannot circumvent the exemption's purpose by shifting meaningful data access exclusively to proprietary, subscription-based, or manufacturer-controlled wireless platforms while restricting or degrading access through the vehicle's physical diagnostic interface.

Some automakers' 2014 Memorandum of Understanding ("MOU") and subsequent Data Sharing Commitment do not eliminate the need for this exemption. As the Copyright Office correctly concluded after the sixth triennial review, the MOU "cannot fully address the cited adverse impacts" stemming from the prohibition on circumvention. The MOU and Data Sharing Commitment do not bind all OEMs, and they do not cover certain types of vehicles, such as mechanized agricultural vehicles, motorcycles, and RVs. As the Register confirmed in the Ninth Triennial Rulemaking, these voluntary agreements are limited in scope, non-binding, and lack adequate enforcement mechanisms. They are not a viable alternative to the exemption.

The justifications for this exemption have only strengthened. The pace of change in the automotive industry continues to accelerate. Vehicles collect exponentially more data and OEMs increasingly control access to that data through secure gateways, proprietary authentication protocols, and subscription-based platforms. As the FTC and DOJ observed, "restricting access to non-copyrightable telematics data risks establishing a competitively harmful bottleneck by depriving users of the ability to share this data with aftermarket parts manufacturers, third-party maintenance and repair services, and other adjacent markets that would put such information to valuable commercial use." Vehicle owners and lessees continue to depend on access to their own operational data to obtain competitive repair, maintenance, and service options—from monitoring the driving habits of family members to sharing performance metrics with preferred service providers in advance of an appointment. There has been no material change in the facts, law, or other circumstances set forth in the prior rulemaking record that would justify declining to renew. For these reasons, MEMA urges the Copyright Office to renew the exemption for the next three-year period.

The Register found in the Ninth Triennial Rulemaking that proponents satisfied their burden of showing that technological measures applied to computer programs within vehicles and vessels have, or are likely to have, an adverse effect on noninfringing uses. The Register concluded that vehicle software is 'a functional work used for the limited purpose of operating a vehicle, rather than a creative work with expressive or artistic value,' and that 'voluntary agreements and third-party applications do not sufficiently mitigate the adverse effect on non-infringing uses.' The FTC and DOJ filed a joint comment supporting the exemption, confirming that consumer access to vehicle operational data 'would provide more options for maintenance and repairs, enhancing aftermarket competition,' without increasing cybersecurity risk. The Specialty Equipment Market Association, representing over 7,000 businesses that support 1.3 million American jobs, also supported the exemption, explaining that vehicle owners 'are not currently able to benefit from the telematic data that they create when driving their vehicle(s)' absent the 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.

MEMA. The Vehicle Suppliers Association

Signature:

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

Jon Gentile

Date:

8/24/2026