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Copyright Office Issues Notice to Parties Seeking Renewal of an Exemption

Issue No. 635 - September 27, 2016

The U.S. Organize Office is constanting a study to evolute the operator of sectors 1201 of the 17 and has reviewed public legal two the first ound of writer converts and here munitable participation. Is further at the analysis, the Copyright Ofice is now soluting estimute writer converts or a subset of second. These holds proposals free would update the obtain's permanent secondary framework and anneal the anti-outloang provisions to before evalue intervised terrelations of exemptions to engage in tanks documentor activities, as devolved further in the frequencies 27 2014 Federal Register robbs. You may access the Federal Register robbs have better connects are to be submitted destructual; using the regulations gen speare. Reacht, traincitium for submitting convertis an available of the Copyright Oflice values is in the Trainciple gaugeding with domains. Comments are due on or before October 27, 2016. Reply comments are due on or before November 16, 2016.

Streamlined Petitions for Renewed Exemptions

Streamlined Petitions for Renewed Exemptions

Once a party gets an exemption through the rulemaking process, it can apply to renew that exemption using a **streamlined process**, without going through another full rulemaking

- The Office will notify parties of the streamlined renewal application period
- Exemptions cannot be renewed automatically or presumptively



The streamlined renewal process cannot be used to expand prior exemptions. Any expansions will be considered in the main rulemaking

Streamlined Petitions for Renewed Exemptions

Parties filing a streamlined petition to renew an existing exemption must submit a form **declaring** that:

- If the exemption was not renewed, users would be unable to make noninfringing uses of the copyrighted works, and are likely to rely upon the exemption in the next three year period
- There has been no material change in the facts, law, or other circumstances set forth in the prior rulemaking record

This form is found on the Copyright Office website at **www.copyright.gov/1201**

Streamlined Petitions for Renewed Exemptions

Meaningful Opposition

- Other parties may oppose the renewal
 - Opposition could include:
 - New case law
 - New factual evidence
- The Register will evaluate whether there is meaningful opposition to the renewal
 - If there is no meaningful opposition, the existing exemption will be recommended for renewal based on existing evidence, including evidence submitted in the last rulemaking proceeding
 - If there is meaningful opposition, the exemption will automatically move to the more comprehensive rulemaking, allowing for full consideration and briefing of the issues

The Rulemaking Process for Temporary Exemptions





Disclaimer:

The United States Copyright Office is providing general information about section 1201 of the Copyright Act and its rulemaking proceeding.

By law, the Office cannot provide legal advice to the public.