



## Petition for New Exemption Under 17 U.S.C. § 1201

Please submit a separate petition for each proposed exemption.

**Note:** Use this form if you are seeking to engage in activities not currently permitted by an existing exemption. If you are seeking to engage in activities that are permitted by a current exemption, instead of submitting this form, you may submit a petition to renew that exemption using the form available at <https://www.copyright.gov/1201/2018/renewal-petition.pdf>.

If you are seeking to expand a current exemption, we recommend that you submit both a petition to renew the current exemption, and, separately, a petition for a new exemption using this form that identifies the current exemption, and addresses only those issues relevant to the proposed expansion of that 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.

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#### **Petitioner:**

Andrew “bunnie” Huang

#### **Representative:**

Electronic Frontier Foundation  
Kit Walsh, Staff Attorney  
Counsel to Andrew “bunnie” Huang  
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San Francisco, CA 94109  
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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.



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## ITEM B. DESCRIPTION OF PROPOSED NEW EXEMPTION

Provide a brief statement explaining the nature of the proposed new or expanded exemption. The information that would be most helpful to the Office includes the following, to the extent relevant: (1) the types of copyrighted works that need to be accessed; (2) the physical media or devices on which the works are stored or the services through which the works are accessed; (3) the purposes for which the works need to be accessed; (4) the types of users who want access; and (5) the barriers that currently exist or which are likely to exist in the near future preventing these users from obtaining access to the relevant copyrighted works.

Petitioners need not propose precise regulatory language or fully define the contours of an exemption class. Rather, a short, plain statement describing the nature of the activities the petitioners wish to engage in will be sufficient, as proponents will have the opportunity to further refine or expound upon their initial petitions during later phases of the rulemaking. The Office anticipates that in many cases petitioners will be able to adequately describe in plain terms the relevant information in a few sentences, or even a single sentence, as with the examples below.

*Examples:*

*A proposed exemption for owners of 3D printers to circumvent technological protection measures on firmware or software in 3D printers to run the printers' operating systems to allow use of non-manufacturer-approved feedstock.*

*A proposed exemption for computer programs in tractors that use lockout codes to prevent farmers from repairing broken tractor parts.*

*A proposed expansion of the current exemption for motion pictures (including television programs and videos) for uses in documentary films. The expansion sought is to cover lawfully obtained copies of motion pictures contained on Blu-ray discs.*

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### A. Proposed Exemption

Petitioner requests an exemption to make noninfringing uses of audiovisual works that are subjected to High-bandwidth Digital Content Protection (HDCP).

### B. Introduction

HDCP is a protocol used to restrict content sent over High-Definition Multimedia Interface (HDMI) cables, a common conduit for digital video. Many devices that play video discs and video game software encode their output using HDCP. This interferes with capturing the output for subsequent noninfringing uses, such as fair use or automated analysis of noncopyrightable elements of the content.

### C. Additional Information

(1) The type of copyrighted works that needs to be accessed are audiovisual works passing over HDMI connections.

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- (2) The audiovisual works are stored on a variety of media, but share the common feature of passing over an HDMI connection.
- (3) The works need to be accessed for fair and noninfringing uses such as:
- creating overlays blended with the original content, including overlays that present new information related to the original content such as commentary or additional context;
  - creating a picture-in-picture or side-by-side presentation of multiple works;
  - reproducing the functionality of a VCR, allowing a person to store content for later viewing (such as to review one's performance at a video game) or convert it to a more portable format; or
  - other fair and noninfringing uses that require access to the works restricted by HDCP (including expressive uses such as remix and educational uses such as media critique).
- (4) The types of users who want access are, in the first instance, Petitioner bunnye Huang, as well as a range of individuals including scholars, remixers, video game enthusiasts, and businesses who use digital video playback devices.
- (5) Access to the relevant copyrighted works is prevented by HDCP.

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