



PETITION OF THE LIBRARY COPYRIGHT ALLIANCE FOR A PROPOSED EXEMPTION UNDER 17 U.S.C. § 1201 FOR MOTION PICTURE EXCERPTS

Item 1: Submitter and Contact Information

The Library Copyright Alliance (LCA) consists of three major library associations—the American Library Association, the Association of College and Research Libraries, and the Association of Research Libraries. LCA is represented by Jonathan Band, whose email address is jband@policybandwidth.com and phone number is 202-296-5675.

Item 2: Brief Overview of Proposed Exemption

LCA seeks renewal of the exemption granted in the 2012 rulemaking for motion picture excerpts. The exemption should be broadened to apply to all storage media, including Blu-Ray. Further, the exemption for educational purposes should be expanded to apply to students in kindergarten through twelfth grade. LCA also seeks simplification of the exemption so that it could be readily understood by the authors, filmmakers, students, and educators it is intended to benefit.

Item 3: Copyrighted Works Sought to be Accessed

The exemption should apply to motion pictures, as defined in 17 U.S.C. § 101, regardless of their storage medium or mode of dissemination.

Item 4: Technological Protection Measure

The Content Scrambling System is used with DVDs, but other forms of technological protection measures (TPMs) are employed with other storage media, *e.g.*, Blu-Ray. The exemption should apply to all TPMs used for motion pictures.

Item 5: Noninfringing Uses

Excerpts of motion pictures can be and are used in a wide variety of educational contexts, including by instructors in the classroom, by students in assignments, and by scholars in commentary or criticism. These uses can and do occur at all levels of education. All of these uses are authorized by the fair use doctrine, 17 U.S.C. § 107. LCA seeks expansion of the existing exemption to students in kindergarten through twelfth grade. LCA also supports renewal of the exemption in the non-educational contexts covered by the existing exemption.

Item 6: Adverse Effects

The inability to circumvent TPMs on motion pictures would prevent the uses described in Item 5, thereby having adverse effects on instructors, students, scholars, and education generally. An exemption for motion picture excerpts has existed in some form since 2006. It is now relied upon heavily at all levels of education. The failure to renew the exemption would have dire consequences for education in the United States.

November 3, 2014