



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

9th Triennial Rulemaking

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 should submit a petition to renew that exemption using the form available at copyright.gov/1201/2024/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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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. 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 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.

This is a request to expand the repair exemption for consumer electronic devices to include commercial industrial equipment such as automated building management systems and industrial equipment (i.e. soft serve ice cream machines and other industrial kitchen equipment).

The types of copyrighted works that would need to be accessed to perform repairs of these commercial devices include the firmware of commercial industrial equipment. These works are located on hardware within the commercial equipment. Diagnostic and repair services must access these works to identify and perform necessary repairs. The types of users who want access to these copyrighted works so that they can perform repairs include equipment owners, authorized users, third party repair professionals, and designers of third party diagnostic/repair technologies.

The current barriers to these works include service passwords and digital locks. For example, many large commercial buildings are managed using smart systems that use BACnet, a communication protocol for Building Automation and Control networks. BACnet controllers can require reconfiguring the entire BACnet to reset the master password. During this process, the building HVAC systems, locks, water treatment systems, etc. may be non-operational. This disruption may be avoided by circumventing the digital lock to reset the password. Additionally, commercial ice cream machines, such as the Taylor manufactured ice cream machines used by McDonald's, frequently fall into disrepair when its daily pasteurization cycle fails. Circumventing the digital lock on the software would enable owners and repair professionals to diagnose and perform the necessary repairs to get these devices back up and running.

ITEM B. DESCRIPTION OF PROPOSED NEW EXEMPTION (CONT'D)

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