



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

8th 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 may submit a petition to renew that exemption using the form available at <https://www.copyright.gov/1201/2021/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.

Petitioner:

Institute of Scrap Recycling Industries, Inc.

<http://www.isri.org/>

Counsel for Petitioner:

Phil Malone

Juelsgaard Intellectual Property and Innovation Clinic

Mills Legal Clinic at Stanford Law School

559 Nathan Abbott Way, Stanford, CA 94305-8610

(650) 725-8571

jipic@law.stanford.edu

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 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.

A proposed expansion of the current exemption (for which ISRI has submitted a renewal petition) for circumvention of technological protection measures on computer programs that operate lawfully acquired (new and used) cellphones, tablets, mobile hotspots, or wearable devices (e.g., smartwatches), to allow connection of the device to an alternate wireless network ("unlocking"). The expansion sought is to add any other devices with 4G LTE or 5G or other cellular connection capabilities to the list of devices covered by the exemption, in particular (but not limited to): Smart TVs, Internet of Things (IoT) devices, immersive extended reality (XR) headsets, desktop computers, and drones.

In addition to the classes of devices covered by the current exemption, ISRI members will soon acquire with greater frequency new categories of devices equipped with 4G LTE or 5G or other cellular connection capabilities, including, but not limited to: Smart TVs, IoT devices, XR headsets, desktop computers, and drones. Their ability to resell or recycle those devices to make the best use of them requires that they be able to unlock any carrier locks in order to allow those devices to be used on any wireless carrier, in the same manner as is currently permitted for the four existing categories of devices.

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