

Summary of Exemptions to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies, Effective October 28, 2015.

New Exemptions	
<p>Computer programs to enable smart televisions to execute lawfully obtained software applications.</p> <p>37 CFR §201.40(b)(5)</p>	<p>Details: When circumvention is made solely to enable interoperability between software applications and computer programs on the smart television.</p>
<p>Computer programs that control the functioning of motorized land vehicles.</p> <p>37 CFR §201.40(b)(6)</p>	<p>Details: Where circumvention is a necessary step undertaken by the authorized owner of a vehicle to allow diagnosis repair, or lawful modification of a vehicle function and where circumvention does not constitute a violation of applicable law, including regulations promulgated by the U.S. DOT or EPA. Circumvention may occur no earlier than October 28, 2016.</p> <p>This exemption does not cover computer programs primarily designed for control of telematics or entertainment systems for vehicles.</p>
<p>Computer programs on lawfully acquired device or machine.</p> <p>37 CFR §201.40(b)(7)</p>	<p>Details: When circumvention is made solely for the purpose of good faith security research and, with the exception of voting machines, circumvention occurs no earlier than October 28, 2016. Eligible devices or machines include:</p> <ol style="list-style-type: none"> 1. Device or machine primarily designed for use by individual consumers; 2. Motorized land vehicle; or 3. Medical device designed for implantation but not used by a patient.
<p>Lawfully acquired video games requiring server communication.</p> <p>37 CFR §201.40(b)(8)</p>	<p>Details: Where access to an external server necessary to facilitate authentication for local gameplay is no longer provided.</p> <p>Circumvention is permitted to:</p> <ol style="list-style-type: none"> 1. Restore access for personal gameplay on a personal computer or video game console; or 2. Allow preservation in a playable format by an eligible library, archive, or museum. Such activities by libraries, archives, or museums must be carried out without commercial advantage



This work by The Ohio State University Libraries is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).

DISCLAIMER: The information in this course is not legal advice. The Copyright Resources Center is not legal counsel to the university or any members of the university community.

	and the video game may not be made available outside the physical premises of the institution.
Computer programs that limit the type of feedstock used in 3D printers. 37 CFR §201.40(b)(9)	Details: Circumvention permitted when used solely for the purpose of using alternative feedstock. The exemption does not extend to computer programs in 3D printers that produce goods or materials for use in commerce, whose production is subject to legal or regulatory oversight, a related certification process, or where circumvention is otherwise unlawful.
Literary works consisting of compilations of data generated by implanted medical devices. 37 CFR §201.40(b)(10)	Details: Where circumvention is undertaken by a patient to access data already generated by his or her implanted device and where circumvention is not a violation of applicable law, including HIPAA, Computer Fraud and Abuse Act, or FDA regulations.
Renewed or Expanded Exemptions	
Motion pictures (including television shows and videos). 37 CFR §201.40(b)(1)	<p>Details: May use <u>screen capture technology</u> that enables the reproduction of lawfully acquired motion pictures after they have been decrypted in order to make use of <i>short portions</i> of the motion picture for the purposes of <i>criticism or comment</i> in:</p> <ol style="list-style-type: none"> 1. documentary filmmaking; 2. noncommercial videos; 3. nonfiction multimedia e-books offering film analysis; 4. by college and university faculty and students for educational purposes; 5. by faculty of MOOCs offered by nonprofit educational institutions (must also meet TEACH Act requirements); 6. by K-12 educators or students for educational purposes; or 7. by educators and participants in nonprofit digital and media literacy programs offered by libraries, museums and other nonprofit entities with an educational mission in face-to-face instructional activities. <p>When screen capture technology does not produce the required level of high-quality content, a person may engage in circumvention to use <i>short portions</i> of motion pictures on lawfully made and acquired <i>DVDs protected by Content Scramble System, Blu-ray videos protected by Advanced Access</i></p>



This work by The Ohio State University Libraries is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).

DISCLAIMER: The information in this course is not legal advice. The Copyright Resources Center is not legal counsel to the university or any members of the university community.

	<p><i>Control System, or digital transmissions</i> for purposes of <i>criticism or comment</i> in:</p> <ol style="list-style-type: none"> 1. documentary filmmaking; 2. noncommercial videos; 3. nonfiction multimedia e-books offering film analysis; 4. by college and university faculty and students in film studies or other courses requiring <i>close analysis</i> of film and media excerpts; 5. by faculty of MOOCs offered by nonprofit educational institutions (must also meet TEACH Act requirements) in film studies or other courses requiring <i>close analysis</i> of film and media excerpts; or 6. by K-12 educators in film studies or other courses requiring <i>close analysis</i> of film and media excerpts. <p>This exemption is a consolidation and expansion of several 2012 exemptions.</p>
<p>Literary works, distributed electronically, with TPM preventing or interfering with assistive technologies.</p> <p>37 CFR §201.40(b)(2)</p>	<p>Details: May circumvent TPM on literary works where TPM prevents the enabling of read-aloud functionality or interferes with assistive technologies. Literary works must be lawfully obtained and used by:</p> <ol style="list-style-type: none"> 1. A blind or other person with a disability, provided that the rights holder is appropriately remunerated for the price of a mainstream copy of the work; or 2. An authorized entity, when the work is a nondramatic literary work. <p>This exemption is an unopposed renewal of the 2012 exemption.</p>
<p>Computer programs that enable wireless devices to connect to wireless telecommunications networks.</p> <p>37 CFR §201.40(b)(3)</p>	<p>Details: Exempted devices include lawfully acquired and activated wireless telephone handsets (i.e., cellphones), all-purpose tablet computers, portable mobile connectivity devices, and wireless devices designed to be worn on the body (e.g., smartwatches).</p>
<p>Computer programs that enable smartphones and portable all-purpose mobile computing devices to</p>	<p>Details: Where circumvention is made solely to enable interoperability between applications with computer programs on the smartphone or device or to permit removal of software from the smartphone or device.</p>



This work by The Ohio State University Libraries is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).

DISCLAIMER: The information in this course is not legal advice. The Copyright Resources Center is not legal counsel to the university or any members of the university community.

execute lawfully obtained software applications. 37 CFR §201.40(b)(4)	
Expired Exemptions (2012)	
Lawfully obtained motion pictures and audiovisual works protected by Content Scrambling System or distributed by an online service.	<i>Details:</i> Where circumvention is accomplished solely to access the playhead or related embedded time code information to conduct research and development for the purposes of creating players capable of producing captioning or audible representations for the hearing or visually impaired. The resulting player must not require circumvention of TPM to operate.

Final Rule: <http://copyright.gov/fedreg/2015/80fr65944.pdf>



This work by The Ohio State University Libraries is licensed under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).

DISCLAIMER: The information in this course is not legal advice. The Copyright Resources Center is not legal counsel to the university or any members of the university community.