

[Proposed class or classes of copyrighted work(s) to be exempted]= (1) Compilations consisting of lists of Internet locations blocked by commercially marketed filtering software applications that are intended to prevent access to domains, websites or portions of websites, but not including lists of Internet locations blocked by software applications that operate exclusively to protect against damage to a computer or a computer network or lists of Internet locations blocked by software applications that operate exclusively to prevent receipt of email.

(2) Computer programs protected by dongles that prevent access due to malfunction or damage and which are obsolete.

(3) Computer programs and video games distributed in formats that have become obsolete and which require the original media or hardware as a condition of access. A format shall be considered obsolete if the machine or system necessary to render perceptible a work stored in that format is no longer manufactured or is no longer reasonably available in the commercial marketplace.

(4) Literary works distributed in ebook format when all existing ebook editions of the work (including digital text editions made available by authorized entities) contain access controls that prevent the enabling of the ebook's read-aloud function and that prevent the enabling of screen readers to render the text into a specialized format.

(5) Audiovisual works and sound recordings distributed in digital format when all commercially available editions contain access controls that prevent the creation of clip compilations and other educational uses.

(6) Sound recordings or audiovisual works (including motion pictures) embodied in copies and phonorecords; computer programs or video games; or pictorial, graphic, or literary works or compilations distributed in formats protected by access controls that threaten privacy and security.

[Brief summary of the argument(s) in support of the exemption proposed above]= (1)-(4) LCA and MLA support the renewal of the exemptions granted in 2003. The exemptions have had, to our knowledge, no adverse impact on the market for or value of the classes of copyrighted works to which the exemptions applied. Even if the exemptions have been seldom used, that rare use may result from the exemption changing the behavior of content providers in a positive manner.

(5) Teachers of a wide variety of subjects at all educational levels need to assemble clip compilations to teach their classes effectively. Many films now are distributed only on DVDs that are protected by the Content Scrambling System (CSS). Computers licensed to decrypt CSS will not make copies of the DVDs protected by CSS, making it impossible for teachers to assemble compilations of film clips. The increased use of technological measures by record companies and other distributors of sound recordings means that music teachers will encounter the same difficulty in assembling clips of sound recordings or making other educational uses.

(6) The recent controversy over technological measures used by Sony BMG demonstrates that computer users must have the right to disable access controls that threaten their privacy and the security of their computers. The existing exceptions to 1201 may not be broad enough to accommodate this critical activity.