UNITED STATES COPYRIGHT OFFICE

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

Tenth Triennial Rulemaking

Please download this form before filling out any form fields.
Please submit a separate petition for each proposed exemption.

New Exemptions, Expansions, or Modifications

Use this form if you want to petition for a new exemption; modify a current exemption, such as altering the language in a current exemption; or are seeking to engage in activities not currently permitted by an existing exemption.

Renewals of Exemptions

Use the **Petition to Renew a Current Exemption form** to renew a current exemption with no changes. You must also file a renewal petition if you are filing a new petition for expanding or modifying a current 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:
Zakaria Zerhouane

Title / Capacity:
Independent Media Consumer; Crime Analyst (NYPD);
Graduate, M.A. Criminal Justice (John Jay College of Criminal Justice);
MPA-Public Policy & Administration Student (John Jay College of Criminal Justice)

Mailing Address:
[redacted]

Email:
zakaria.zerhouane2@outlook.com

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 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. A complete legal and evidentiary showing supporting this new exemption petition should accompany the comments in support of requested exemptions during the round 1 comment period. Those seeking to submit comments in response to a petition depend on proponents fulfilling the appropriate evidentiary requirements, so providing a complete legal and evidentiary show in support of this new exemption is critical.

NOTE: Examples of new petitions proposed last rulemaking cycle can be found at **copyright.gov/1201/2024/petitions/proposed**. Informational guides explaining the 1201 rulemaking process and the petition phase can be found at **copyright.gov/1201**.

Petitioner seeks a new exemption that permits the circumvention of TPMs on audiovisual works that have become inaccessible due to market failure, specifically: (1) anime series, anime films, and OVAs that were lawfully available on authorized U.S. Streaming Platforms but were later removed following licensing expiration or non-renewal, with no authorized digital replacement; and (2) anime works commercially released on physical media by U.S. distributors that have since dissolved, entered bankruptcy, or ceased operations, thereby leaving the works without any authorized digitial avialability and often out-of-print in physical form.

These works are accessed through physical media protected by CSS and AACS, through streaming platforms employing proprietary DRM, geo-locking, and session-based access controls. When a title is removed from an authorized platform, these TPMs continue to operate even though no authorized access pathway exists, creating a barrier that prevents lawful users from making non-infringing, preservation-oriented uses.

The exemption is needed because structural instability in the anime licensing market routinely renders lawfully licensed works inaccessible. Streaming platforms provide no advance removal notice, preventing users from finishing or preserving works before they disappear. Consolidation of the U.S. anime market under a single dominant entity has increased catalog volatality and reduced competitve incentives to maintain comprehensive availability. Many historically significant works released by defunct distributors have never been relicensed for digitial distribution and remain inaccessible despite ongoing cultural relevance. In alphabetical order, such defunct distributors include: ADV Films, AnimeEigo, Bandai Entertainment, Bandai Visual USA, Central Park Media, Geneon (U.S.A.), Pioneer Entertainment,.

Users who need access include individual viewers, researchers, archivists, and preservationists who previously relied on authorized streaming or physical media. Their intended uses, including Personal Study, Private Preservation, and Cultural Continuity, are non-commercial and non-infringing. Without an exemption, TPMs prevent any lawful access to works that the authorized market has abandoned, creating precisely the adverse effect that the triennial rulemaking process was designed to remedy.

If you need more space, please click here to add additional pages to this form.