



Regan Smith  
United States Copyright Office  
Library of Congress  
101 Independence Ave. SE  
Washington, DC 20540

Re: Exemptions to Permit Circumvention of Access Controls on Copyrighted Works, U.S. Copyright Office Docket No. 2017-10, Class 1 (Multimedia e-books) Hearing Exhibits

Dear Regan:

We write on behalf of Authors Alliance, the American Association of University Professors, the Organization for Transformative Works, the Interactive Fiction Technology Foundation, and Professor Bobette Buster. During the April 11, 2018 hearing in Washington, D.C. on the above-referenced matter, Copyright Office staff requested specific examples of adverse effects caused by 17 U.S.C. §1201's prohibition on circumvention. In response to your request, we have prepared a list of adverse effects identified in the comments we filed in this proceeding.<sup>1</sup> The list is attached hereto as Appendix A.

We would be happy to provide additional information or answer questions as needed.

Thank you for your work on this important matter.

Very truly yours,

/s/ Jack Lerner

Jack I. Lerner

UCI Intellectual Property,  
Arts, and Technology Clinic

/s/ Blake Reid

Blake E. Reid

Samuelson-Glushko Technology  
Law & Policy Clinic

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<sup>1</sup> UCI Intellectual Property, Arts, & Technology Clinic and CU Technology, Law, & Policy Clinic, Comment Regarding a Proposed Exemption under 17 U.S.C. § 1201 (Dec. 18, 2017), <https://www.copyright.gov/1201/2018/comments-121817/class1/class-01-initialcomments-authors-alliance-et-al.pdf> ("2017 Long Comment"); UCI Intellectual Property, Arts, & Technology Clinic and CU Technology, Law, & Policy Clinic, Reply Comment Regarding a Proposed Exemption under 17 U.S.C. § 1201 (March 14, 2018), [https://www.copyright.gov/1201/2018/comments-031418/class1/Class\\_01\\_Reply\\_Authors\\_Alliance\\_et\\_al\\_.pdf](https://www.copyright.gov/1201/2018/comments-031418/class1/Class_01_Reply_Authors_Alliance_et_al_.pdf).

## APPENDIX A

### ADVERSE EFFECTS CAUSED BY 17 U.S.C. §1201 PROHIBITION ON CIRCUMVENTION CLASS 1 (E-BOOKS)

#### SUMMARY OF EVIDENCE PRESENTED IN 2017-2018 AUTHORS ALLIANCE, ET AL. COMMENTS<sup>1</sup>

Name of author	Name of project	Description of project	Fair use	Adverse effects caused by §1201's prohibition on circumvention	Where found in the record
Anonymous Author #1	Untitled	Multimedia e-book about pregnancy of one of the characters	Criticism & commentary on portrayal of pregnancy in popular culture, ability of underrepresented communities to speak out	Could not write e-book because 1201 prohibits them from accessing HQ materials in DVD or Bluray	2017 initial Comment, p. 19
Anonymous Author #2	Untitled	Multimedia e-book discussing psychology of certain TV shows	Criticism & commentary on popular culture	Couldn't write e-book because author is unsure if the analyzing psychology of a film series is "film analysis" & therefore unsure if it is exempted under 1201	2017 Initial Comment, p. 20, 2018 Reply Comment, p. 10
Kirby Ferguson	<i>This Is Not a Conspiracy Theory</i>	Multimedia e-book about hidden forces that shape our life	Criticism & commentary on popular culture and role of conspiracy theory in modern society	Cannot create e-book because he is unsure if his work is "film analysis" or not	2017 Initial Comment, p. 17, 2018 Reply Comment, p. 9
Holdt	Untitled	Crossover e-book involving taking characters from one movie universe to another		Couldn't make fair use because they couldn't access the work	2017 Initial Comment, p. 18, 2018 Reply Comment, p. 9
Heidi Tandy	Untitled	Multimedia e-book set in <i>Supernatural</i> "universe" to teach about fair use and fan fiction	Criticism & commentary on fan fiction phenomenon and <i>Supernatural</i>	Will not be able to make fair use, likely will not be able to create this e-book	2017 Initial Comment, p. 21, 2018 Reply Comment, p. 9-10

<sup>1</sup>UCI Intellectual Property, Arts, & Technology Clinic and CU Technology, Law, & Policy Clinic, Comment Regarding a Proposed Exemption under 17 U.S.C. § 1201 (Dec. 18, 2017), <https://www.copyright.gov/1201/2018/comments-121817/class1/class-01-initialcomments-authors-alliance-et-al.pdf> ("2017 Long Comment"); UCI Intellectual Property, Arts, & Technology Clinic and CU Technology, Law, & Policy Clinic, Reply Comment Regarding a Proposed Exemption under 17 U.S.C. § 1201 (March 14, 2018), [https://www.copyright.gov/1201/2018/comments-031418/class1/Class\\_01\\_Reply\\_Authors\\_Alliance\\_et\\_al\\_.pdf](https://www.copyright.gov/1201/2018/comments-031418/class1/Class_01_Reply_Authors_Alliance_et_al_.pdf).