



## **PETITION OF THE LIBRARY COPYRIGHT ALLIANCE FOR A PROPOSED EXEMPTION UNDER 17 U.S.C. § 1201 FOR LITERARY WORKS DISTRIBUTED ELECTRONICALLY**

### **Item 1: Submitter and Contact Information**

The Library Copyright Alliance (LCA) consists of three major library associations—the American Library Association, the Association of College and Research Libraries, and the Association of Research Libraries. LCA is represented by Jonathan Band, whose email address is [jband@policybandwidth.com](mailto:jband@policybandwidth.com) and phone number is 202-296-5675.

### **Item 2: Brief Overview of Proposed Exemption**

LCA seeks renewal of the exemption granted in the 2012 rulemaking for people with print disabilities and authorized entities to circumvent technological protection measures on literary works distributed electronically.

### **Item 3: Copyrighted Works Sought to be Accessed**

The existing exemption applies to literary works, as defined in 17 U.S.C. § 101, distributed electronically.

### **Item 4: Technological Protection Measure**

Some literary works distributed electronically are protected by technological protection measures that prevent the enabling of read-aloud functionality or interfere with screen readers or other applications of assistive technology.

**Item 5: Noninfringing Uses**

People with print disabilities seek to obtain access to copyrighted works comparable to the access of people without disabilities. The reproductions and adaptations necessary to achieve this access are permitted under the Chafee Amendment, 17 U.S.C. § 121, or the fair use doctrine. *See Authors Guild v. HathiTrust*, 755 F.3d 87 (2d Cir. 2014).

**Item 6: Adverse Effects**

The inability to circumvent TPMs on works so as to prevent the uses described in Item 5 would have an adverse effect on educational, employment, and cultural activities of people with print disabilities. An exemption for literary works for the print disabled has existed in some form since 2003. For the next three years, people with print disabilities will have as much a need for access as they do now.

November 3, 2014