

# Petition for Proposed Exemption Under 17 U.S.C. § 1201

*Note: This is a Word document that allows users to type into the spaces below.*

*Please submit a separate petition for each proposed exemption*

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

Clearly identify the submitter, and, if desired, provide a means for others to contact the submitter or an authorized representative of the submitter by email and/or telephone. (Parties should keep in mind that any private, confidential, or personally identifiable information appearing in this petition will be accessible to the public.)

Michael Yanoska  
yanoska001@gmail.com

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

Provide a brief statement describing the proposed exemption (ideally in one to three sentences), explaining the type of copyrighted work involved, the technological protection measure ("TPM") (or access control) sought to be circumvented, and any limitations or conditions that would apply (e.g., a limitation to certain types of users or a requirement that the circumvention be for a certain purpose).

Elimination of the PACE control on recording software that was created and sold over 15 years ago (which is no longer sold or supported by the creating company). The small group of users still in existence are denied the opportunity to utilize the software we purchased on new computers due to the company (Intelligent Devices) refusing to provide new PACE response codes to "unlock" the software.

<p>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.</p>
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**Item 3. Copyrighted Works Sought to be Accessed**

Identify the specific class, or category, of copyrighted works that the proponent wishes to access through circumvention. The works should reference a category of work referred to in section 102 of title 17 (e.g., literary works, audiovisual works, etc.). Unless the submitter seeks an exemption for the entire category in section 102, the description of works should be further refined to identify the particular subset of work to be subject to the exemption (e.g., e-books, computer programs, motion pictures) and, if applicable, by reference to the medium or device on which the works reside (e.g., motion pictures distributed on DVD).

Recording software known as "PARIS" which was sold and created by the company "Intelligent Devices". It is proprietary software which they abandoned in 2001, for a proprietary Hardware system which no other software runs on or completely functions on.

#### **Item 4. Technological Protection Measure**

Describe the TPM that controls access to the work. The petition does not need to describe the specific technical details of the access control measure, but should provide sufficient information to allow the Office to understand the basic nature of the technological measure and why it prevents open access to the work (e.g., the encryption of motion pictures on DVD using the Content Scramble System or the cryptographic authentication protocol on a garage door opener).

PACE locking software. It is necessary to remove the pace lock to move the software to a new and different system which we should be able to do.

**Item 5. Noninfringing Uses.**

Identify the specific noninfringing uses of copyrighted works sought to be facilitated by circumvention (e.g., enabling accessibility for disabled users, copying a lawfully owned computer program for archival purposes, etc.), and the legal (statutory or doctrinal) basis or bases that support the view that the uses are or are likely noninfringing (e.g., because it is a fair use under section 107, it is a permissible use under section 117). Include a brief explanation of how, and by whom, the works will be used.

It is proprietary software which they abandoned in 2001, for a proprietary Hardware system witch no other software runs on or completely functions on. They have made it difficult to move to different or modern systems, by making users wait for more than a month for challenge codes and are now stoping all challenge codes officially as of January 1, 2015.

It would not harm them in any way to remove the digital lock because the software is technically outdated by todays standards. They have no expectation of making any more money from the software. The software has not been available for sale for many years. It is not for the purpose of distribution. We have no intention of making money from the software, nor could we.

They are intentionally keeping the users/owners from being able to use the software they paid for by no longer providing challenge codes. They are effectively denying us use we paid for.

**Item 6. Adverse Effects.**

Explain how the inability to circumvent the TPM has or is likely to have adverse effects on the proposed noninfringing uses (e.g., the TPM limits wireless connection to the network of the mobile carrier from which the cellphone was originally purchased or prevents an electronic book from being accessed by screen reading software for the blind). The description should include a brief explanation of the negative impact on uses of copyrighted works. The adverse effects can be current, or may be adverse effects that are likely to occur during the next three years, or both. While the petition must clearly and specifically identify the adverse effects of the TPM, it need not provide a full evidentiary basis for that claim.

They are effectively locking us out of our use of the software in the future and our ability to install it on a system of our choosing. We have asked them to remove the pace lock which they have refused to do. We have asked them to up date the Pace which is a simple thing for them to do so we could use it with modern operating systems, they have refused to do that. We have asked them to make the software open source, they refused. we have asked them many times to sell us the code or license it so it could be further developed, they refused.

They have insinuated that we can remove the pace lock, but they will not put it into writing and give us permission to do so. They are creating a situation wherein the user would be breaking the law to freely use the software we paid for. Yet to do so would not harm them or their rights. However, it is harming the rights of the paid user of the software and the system.

We have asked for a newer version, they have refused.

It would be cost prohibitive to sue at this point to get this resolved.