

The Limits of the Limits of the Law: How Useable Are DMCA Anticircumvention Exceptions?

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The U.S. Digital Millennium Copyright Act (DMCA) criminalizes decryption of “copy protected” digital content, even if the decryption itself serves lawful purposes that do not infringe on copyright. However, temporary exemptions to this prohibition are granted triennially if communities of practice can demonstrate that the encryption ban adversely affects noninfringing uses. This study explores to what degree members of communities with existing exemptions for audiovisual work (1) are aware of the DMCA ban on encryption and (2) are aware of the relevant exemptions, and (3) whether they believe they can use the exemptions with confidence. We find that existing knowledge of DMCA exemptions is low, but that creators may employ the exemption reliably if given the exemption language. This empirical evidence demonstrates creative and productivity costs of narrow exemptions, as well as the importance of education. Results are relevant to discussions about international treaty intellectual property discussions, about the function of exemptions in intellectual property law, and about the consequences of criminalizing decryption.

Keywords: copyright, DMCA, educators, filmmakers, students, remix, creativity

The U.S. Digital Millennium Copyright Act (DMCA) criminalizes decryption of “copy protected” digital content, even if the decryption itself serves lawful purposes that do not infringe on copyright. This is commonly referred to as the “anti-circumvention provision” of the law, and it is the American enactment of terms set forth in the World Intellectual Property Organization (WIPO) Copyright Treaty of 1996. Under the DMCA, temporary exemptions to this provision are granted triennially if communities of practice can demonstrate that the encryption ban adversely affects noninfringing uses. This study explores to what degree members of communities with existing exemptions for audiovisual work (1) are aware of the DMCA ban on encryption and (2) are aware of the relevant exemptions, and (3) whether they believe they can use the exemptions with confidence.

Our research and analysis are informed by, and emerge out of, an ongoing theme in Internet studies about the functioning of intellectual property law to enable or constrain cultural and technological innovation. A body of theorists argue that expansive monopoly rights have destructive effects, particularly on an emergent digital, recombinant culture (Benkler, 2006; Boyle, 2008; Jenkins, Ford, & Green, 2013; Lessig, 2004; McLeod, 2005; Tushnet, 2010; Vaidhyanathan, 2001). These arguments have been based on the unsurprising logical assumption that monopolies by definition constrain circulation, supplemented largely by anecdotal evidence, some drawn from case law. In the last 15 years (Madison, 2004), empirical research has developed on patterns in both judicial decision making (Beebe, 2008; Sag, 2012; Samuelson, 2009) and in user practice. Studies of judicial decision making demonstrate the centrality of transformativeness as a definer of fair use, thus directly linking copyright exemptions with creativity. Studies of user practice show that extended copyright has chilling cultural and economic effects as a direct result of the increasing breadth, scope, duration, enforcement, and penalization of copyright (Aufderheide & Jaszi, 2018; Bechtold, Buccafusco, & Sprigman, 2016; McLeod & Kuenzli, 2011; Pappalardo, Aufderheide, Stevens, & Suzor, 2017; Sinnreich, 2010, 2013). Other studies demonstrate that extended copyright does not necessarily encourage creativity, and indeed may have no relation to motivations for creating work (Bollier, 2006; Ku, Sun, & Fan, 2009; Raustiala & Sprigman, 2012).

This study contributes new empirical research on an important but underrecognized aspect of this larger process. It focuses on the experiences of makers and users of creative work in categories that in 2018 enjoyed temporary exemptions from the anti-circumvention provision of the DMCA.

DMCA exemptions arose during prolonged legislative debates over two congressional sessions as a concession by strong-copyright advocates to stakeholders arguing on behalf of librarians, nonprofit educational and arts institutions, and some current and all future creators (Jonathan Band, personal communication, June 26, 2018). The DMCA, enacted in 1998, responded to demands of large copyright holders for greater security in an Internet era. It placed new constraints on users of copyrighted works in the United States. Specifically, Title I of the law contains the "anti-circumvention" provision that makes it a felony for users of electronic media (such as optical discs or downloadable digital files) to bypass encryption and other "technological measures" used to "protect copyrighted works" from unauthorized access or duplication. As critics, including the public-interest stakeholders, noted at the time, this provision even criminalized circumvention of encryption in cases in which accessing or copying the work in question would not violate copyright, such as public domain works and fair use (Gillespie, 2007; Lessig, 2004; Litman, 2006).

Public-interest stakeholders argued that this level of constraint could undermine copyright's constitutional mandate to "promote the Progress of Science and useful Arts." The final version of the DMCA included a safety valve: an exemption for users of a "particular class of works if they are or are likely to be adversely affected by virtue of the prohibition in making noninfringing uses." These exemptions are evaluated and granted triennially by the Librarian of Congress via a rulemaking procedure conducted in conjunction with Register of Copyrights and the Assistant Secretary of Commerce for Communications and Information.

The exemption has proved increasingly popular for a wide variety of types of makers and creators. By 2018, comments in the seventh round of this rulemaking procedure were completed. The Copyright Office in 2017 noted a great increase over time in public engagement with the temporary exemption process, which it also identified as a method to address both market problems and freedom-of-speech issues. When the process began in 1999, it received 392 comments. The latest round garnered more than 40,000. Whereas the first round resulted in two exemptions, the sixth round resulted in 22 (U.S. Copyright Office, 2017).

Over the previous 20 years, communities of practice that have won a temporary exemption to decryption have been wide-ranging. They have included filmmakers, disabled users, smartphone consumers, K-12 students, media literacy educators, vidders, digital security researchers, videogame players, and medical patients, among others, as documented in the GPO Electronic Code of Federal Regulations (Government Printing Office, 2018).

The growing popularity of the exemption has also raised questions about the efficacy of its three-year limit. The process requires petitioners to demonstrate material, not potential, harm from inability to employ encrypted copyrighted material for lawful (noninfringing) uses. They usually accomplish this with the help of legal support, which can be expensive and time consuming. Petitioners who have won repeated renewals have begun asking if they can win a permanent exemption, given that the statute already provides for a few classes of uses and users. (As a blind user said in hearings, "In three years, I will still be blind.")¹ The Copyright Office concluded that overall, the process is functional, and few changes should be made. The Copyright Office's report was limited in its scope and conclusions because of its narrow purpose in assessing the need for legislative changes and its focus on the process of administering the exemption (U.S. Copyright Office, 2017). Nonetheless, that the inquiry was triggered by pervasive concern among exempt populations for streamlined or permanent exemptions demonstrates the growing popularity of this feature of the DMCA.

Our study was conducted during the second round of comments in the seventh round of exemptions hearings to find out more about actual user practice at a time when exemptions news was circulating. Building on previous scholarship about the potential costs to cultural production of extended monopolies, it documents user practice around the exemptions. The purpose of the DMCA exemptions is to reduce damage to cultural and economic productivity as a result of the law's anti-circumvention provisions. This research investigates how well such exemptions are working in practice with existing exempt communities. Thus, we ask whether practices that depend in some part on noninfringing uses are adequately protected from the double obstacles introduced by encryption technology and copyright law.

Methods

We conducted a survey via Qualtrics to find out how familiar the terms of decryption exemptions of the DMCA are to those for whom they were designed, and to what extent they are adequately understood and employed within these professional and creative communities. We received an institutional review board exemption for the study. The protocol is in the appendix.

For this study, we focused on only one of the temporary exemptions, namely decrypting short amounts of an audiovisual work for commentary or criticism. These are exemptions that directly affect communications practices. We also focused only on populations affected by the exemptions. The populations to which this exemption currently applies are documentary filmmakers; noncommercial video makers; scholars (teachers or students) making an e-book; and teachers in the course of teaching.

Our aim was to understand whether respondents in these four categories understood that the law and its exemptions exist and apply to them, and also whether they felt comfortable employing and explaining the exemptions. We created a stepped series of questions refined through two trials with small populations. Specific questions on the survey asked respondents about (1) *knowledge* of the DMCA's anti-circumvention provisions and exemptions thereto; (2) *usage* of exemptions themselves; and (3) *understanding* and *confidence* in the application of exemptions. The survey also offered each set of respondents field-specific hypothetical scenarios that represent well-established exemptible use cases and asked whether the respondents believed they could decrypt legally in these specific contexts.

We also gave respondents a variation of the legal language to see if a more streamlined version of the text would be easier to interpret. Eventually we decided not to use this part of the survey because we determined that placing those questions after such similar language in the earlier questions was potentially confusing. We expect to issue a subsequent survey with a different design to test the question of whether simpler language makes the exemption easier to use.

The survey was distributed via documentary filmmaking organizations; film, communications, and media literacy academic associations; and an association of people making noncommercial videos. It was publicized on social media, via membership organizations, on email lists, and on a professional website for documentarians from December 2017 through January 2018. After cleaning up the data and removing incomplete or otherwise unusable surveys, the pool was 276 respondents.

Results

Demographics

Respondents were overwhelmingly professionals, with 27% having four-year degrees and 59% having advanced degrees. More than 87% were filmmakers, nonprofessional video makers, or educators, with 18% being full-time students. (Some were both students and creators.) The mean age of 44.32 and median age of 46.50 suggest that our sample is largely midcareer professionals, which is to be expected.

Table 1. Demographic Characteristics of Survey Respondents (n = 276).

	<i>n</i>	%
Age		
18-30	52	19.19
31-49	120	44.28
50 or older	99	36.53
Mean age		44.32
Median age		46.50
Education		
High school graduate or less	12	4.35
Some college/two-year degree	28	10.14
Four-year degree	74	26.81
Professional or master's degree	98	35.51
Doctorate	64	23.19
Professional experience		
Documentary filmmaker	120	43.48
Noncommercial video maker	82	29.71
Educator	124	44.93
Full-time student	49	17.75

Note. Categories of professional experience are not mutually exclusive.

Knowledge

Basic knowledge of the DMCA, its anti-circumvention provision, and the exemptions to this provision is low. Even among people who should know given the nature of their professional practice, ignorance is widespread. Fully one quarter of respondents said they had not heard of the DMCA at all or were not sure whether they had. Nearly half (47%) did not know about the anti-circumvention provision. Nearly two thirds (64%) said they did not know, or were not sure, that decryption exemptions exist (Table 2). This ignorance was basically the same for professionals and full-time students. Although working professionals scored slightly higher than full-time (nonworking) students, this difference was not statistically significant.

Table 2. Knowledge of DMCA (n = 276).

	No %	Not sure %	Yes %
Have you ever heard of the Digital Millennium Copyright Act (DMCA)?	18.38	9.19	72.43
Did you know that the DMCA makes illegal "circumventing" encryption . . . ?	35.19	11.85	52.96
Did you know that the DMCA has exemptions to the ban on circumventing encryption?	50.00	14.18	35.82

Even among those who have heard of DMCA, only half (49%) said they knew about exemptions. Likewise, more than half (53%) know about the DMCA's criminalization of encryption, but significantly fewer (36%) know about exemptions.

Respondents commonly responded that they *somewhat* or *strongly* disagree when asked if they understand DMCA exemptions (58%), if they are confident using them (64%), or if they are considered knowledgeable about them (66%). Only 28% of respondents said they *strongly* or *somewhat* agree that they "understand DMCA exemptions," and only 17% agree they are confident (*somewhat* or *strongly* agree) in using them (Figure 1).

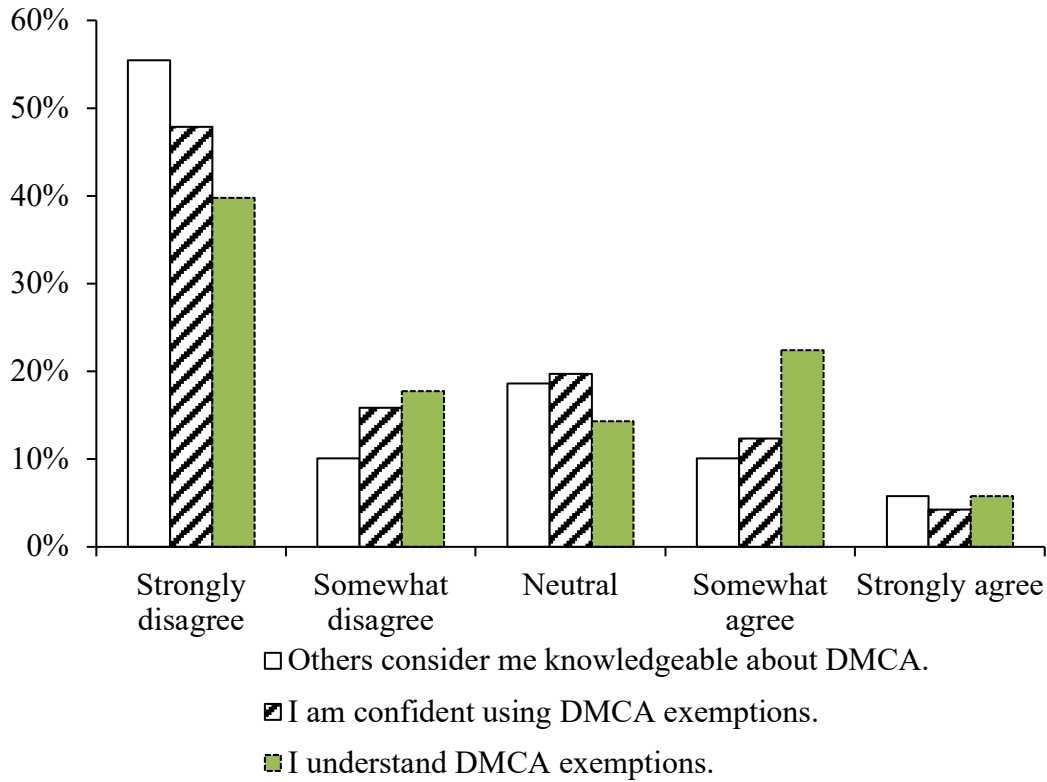


Figure 1. Understanding DMCA exemptions (n = 276).

Full-time students (who were not also working in the field) were, understandably, less likely than professionals to say they understood DMCA exemptions, although this difference was not statistically significant. However, in other knowledge questions, the gap between students and professionals widened. Full-time students were less likely than professionals to report they were confident in using exemptions or that others considered them knowledgeable, and both of these differences were statistically significant (Table 3).

Table 3. Understanding DMCA Exemptions, Professionals/Full-Time Students (n = 276).

	Professionals (n = 240)		Full-time students (n = 36)			
	M	SD	M	SD	df	t
I understand DMCA exemptions.	2.39	1.37	2.22	1.24	257	.69
I am confident using DMCA exemptions.	2.13	1.28	1.86	.99	257	1.20*
Others consider me knowledgeable about DMCA exemptions.	2.08	1.33	1.58	.94	256	2.14**

Note. Respondents are scored from 1 (*strongly disagree*) to 5 (*strongly agree*).

* $p < .05$. ** $p < .01$. Results are independent samples t tests.

Usage

Only 17% of respondents reported having used exemptions for their work, and 24% were uncertain regarding whether they had used an exemption. This lack of knowledge of the law's possibilities also directly affects productivity. About a third of respondents (29%) say they have avoided using copyrighted material because of encryption. One fifth (18%) say they have changed their work because of it.

In open-ended comments offered in the survey, respondents reported that prohibitive cost and, to a lesser extent, the time needed to secure rights prompted them to alter their projects for fear of violating copyright. There were also complaints about the technical difficulties circumventing encryption. Many comments reflected the uncertainty around the DMCA and encryption, which resulted in self-censorship. For instance:

I'm extremely careful of rights. I research and always err on the side of safety/following the law. I don't want to deal with repercussions and I don't want to abuse someone else's work. (61-year-old documentary filmmaker)

Because I work in an institution where we have to make risk assessments, I've sometimes avoided those situations. (41-year-old educator)

The effort was not worth the time and difficulty. (42-year-old educator)

Understanding

The survey also explored whether, given the actual language of the DMCA exemptions, respondents would be able to apply them to their own variety of work. Respondents were given common hypothetical situations for their individual category of use, drawn from actual experience of creators in one of the researchers' earlier projects, and then provided with the legal language. They were then

asked to decide whether the exemption applied to the hypothetical scenario and with what degree of confidence.

Given the correct legal language and a clearly delineated hypothetical scenario, respondents were generally able to apply the law to scenarios with accuracy and confidence. More than three quarters correctly decided scenarios applicable to their professional category:

- Documentary filmmakers, asked about whether an online film reviewer could decrypt to compare two brief movie scenes, correctly answered yes 71% of the time, and 79% were somewhat to very confident of their answer.
- Noncommercial video makers were asked whether an activist could decrypt to make a supercut of female characters rolling their eyes, as a political commentary. Eighty-three percent correctly said yes, with 92% somewhat to very confident.
- Teachers and students were asked whether a scholar could decrypt small amounts to add to commentary in an e-book. Eighty-one percent correctly said yes, and 83% were somewhat to very confident.
- Teachers and students were asked whether a teacher/teaching assistant could decrypt small amounts for use in teaching a MOOC (massive open online course). Some 77% correctly voted yes, and 88% were somewhat to very confident. (Table 4).

Table 4. Analysis of Hypotheticals.

	% Correct	Confidence		<i>n</i>
		<i>M</i>	<i>SD</i>	
Documentary filmmaker	71.17	3.41	1.24	111
Noncommercial video maker	83.10	3.73	1.04	71
Educator (scenario 1)	81.05	3.58	1.18	153
Educator (scenario 2)	77.03	3.81	1.12	148

Note. Confidence is scored from 1 (*not confident at all*) to 5 (*very confident*).

That the large majority of potential users were able to employ the language of the law with high rates of confidence indicates that the exemptions are useable with adequate information.

At the end of our survey, we invited respondents to make optional open-ended comments about the DMCA exemptions in general. About 20% of the sample offered their own fears and complaints. The responses reflect the frustration and confusion illustrated in the responses to the closed-ended survey questions. Respondents talked about their frustration over using copyrighted materials for educational purposes, and their fears of repercussions if they inadvertently cross a line. One educator said, "DMCA exemptions are written in legalese and can thus be difficult to understand." Many respondents said they shied away from projects or media when there was uncertainty, and they lacked the resources—both time and money—to contest copyright issues when they arose.

Results

Our population was representative of the relevant exemption populations; the majority had advanced degrees, were working in the relevant fields, and had experience in their fields. Thus, they had ample opportunity to encounter the need for a DMCA exemption. And yet although three quarters of them were aware of the law, many fewer knew about the exemption. This suggests that incomplete understanding of the law creates a chilling effect, with negative implications for cultural production and knowledge industries, compounding the broader chilling effects of maximalist copyright statute and enforcement identified by a range of legal scholars (Aufderheide & Jaszi, 2011; Bechtold et al., 2016; McLeod & Kuenzli, 2011; Pappalardo et al., 2017; Sinnreich, 2010, 2013). Experience and education alone were not enough to provide the necessary information, given that the difference in knowledge between students and professionals was not significant.

The overall level of ignorance of the DMCA's decryption exemptions in our sample helps to explain further findings that use of exemptions is strikingly low among these communities. This relatively low usage is notable, considering how crucial such exemptions are to routine professional work practices and products in these fields.

Such ignorance has direct consequences for productivity. A third of respondents said they had avoided creating work because of anti-circumvention requirements, and a fifth had changed their work because of them. In other words, ignorance of the DMCA's anti-circumvention provision is contributing to exactly the kind of self-censorship that its crafters acknowledged may occur and that its critics decried from the outset (Gillespie, 2007; Lessig, 2004; Litman, 2006). The exemption in itself is a weak remedy to the strong constraint imposed by anti-circumvention requirements.

However, when respondents in all categories were given hypothetical scenarios and the actual language of the law, the great majority of them had no trouble correctly applying the law to a specific case in their field. Their confidence levels were also high. This demonstrates that even a small amount of education—in this case, simple exposure to the exemption language—can result in positive effects that may significantly improve both economic productivity within cultural industries, and cultural innovation within communities of practice. Given that exposure to the legal language in our survey was brief and perfunctory, creators' confidence levels would likely increase even further with a more comprehensive approach to education.

Conclusion

The crafters of the DMCA recognized the potential of the law's anti-circumvention provision to introduce unnecessary, harmful obstacles, and they created a "safety valve" via use-specific exemptions established at a triennial rulemaking procedure. Our data suggest that, two decades after the law's passage, these exemptions have not yet achieved the goals set out for them. Many creators in exempted categories are unaware of their rights, and this lack of awareness is contributing to a measurable chilling effect. To put it simply, creators are typically more aware of the restrictions than the safety valve.

Successful education helps potential users employ the law, however. Efforts to educate both the general public and targeted groups that benefit from exemptions are necessary steps to make this safety valve truly functional.

There is no commitment to such education in the current process at the Copyright Office, nor is there any indication of legislation that would provide it. At the same time, large copyright holders provide extensive publicity for these restrictions and other DMCA provisions limiting use of third-party work (McDonald, 2016; Sinnreich, 2013). Thus, to the extent that potential creators—especially creators in emerging fields such as recombinant video and filmmaking—learn about the DMCA, they learn about what they cannot do, but not what they can. Without a coordinated, broadly distributed education effort, the DMCA will continue to have chilling effects on creative laborers, with negative consequences for free speech, cultural development, and economic growth.

These results merit attention in a wider, non-U.S. context, because the DMCA approach is typically encouraged by the U.S. government and backed by copyright interests in international trade negotiations (Sell, 2013). At the same time, exceptions and exemptions are typically slighted. Therefore, it is important to realize that, along with any benefits for existing copyright holders of more stringent limitations, there are real costs to future creative acts that build culture and promote education. These costs might to some degree be overcome with exemptions from the terms of criminalizing decryption, but would need to be accompanied by vigorous efforts in educating relevant populations about their right to decrypt existing culture for legal, noninfringing uses.

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APPENDIX

DMCA Exemption Survey Protocol
(No Q1–2)

Q3—What is your professional experience? (Click all that apply.)

Documentary filmmaker

Noncommercial video maker

Educator

I am a full-time student.

None of the above

Q4—Where do you work or attend school?

Answer

United States

Not in the United States

Q5—How old are you?

Q6—What is the highest level of school you have completed or the highest degree you have received?

Less than high school

High school graduate

Some college

4-year degree

Professional degree

Doctorate

Total

Q7—(blank—used for section
divider)

Q8—Have you ever heard of the Digital Millennium Copyright Act (DMCA)?

Yes

No

Not sure

Total

Q9—Did you know that the DMCA makes illegal “circumventing” encryption (decrypting) on any kind of media?

Yes

No

Not sure

Total

Q10—Did you know that the DMCA has exemptions to the ban on circumventing encryption?

Yes

No

Not sure

Total

Q11—Have you ever used a DMCA exemption?

Yes

No

Not sure

Total

Q12—Please tell us about when you used an exemption. What were the circumstances?

Q13—Mark whether you agree or disagree.

#	Question	Strongly agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Strongly disagree	Total
1	I understand DMCA exemptions.						
2	I am confident using DMCA exemptions.						
3	Others consider me knowledgeable about DMCA exemptions.						

Q14—(Filtered for documentary filmmakers) Consider this situation: An online film reviewer decrypts two films to find excerpts to show how the old film does a chase scene better than the new film. Here is the language of the exemption: “. . . where circumvention is undertaken solely in order to make use of short portions of the motion pictures for the purpose of criticism or comment ... for use in documentary filmmaking.” Do you think the film reviewer can legally circumvent encryption, under the exemption?

Yes

No

Not sure

Q15—For the previous example, how confident are you that you made the right decision?

Not confident at all

Somewhat confident

Very confident

Q16—Here is a different version of the exemption language: “. . . where circumvention is undertaken solely in order to make use of short portions of the motion pictures for the purpose of criticism or comment.” Again, here is the situation you just decided on: An online film reviewer decrypts two films to find excerpts to show how the old film does a chase scene better than the new film. Using this changed exemption language, do you believe that the reviewer can legally decrypt the work?

Yes

No

Not sure

Q17—For the previous example, how confident are you that you made the right decision?

Not confident at all

Somewhat confident

Very confident

Q18—(Filtered for noncommercial video makers) Consider this situation: An activist breaks encryption on some digital movie files to make a supercut of female movie characters rolling their eyes, as a commentary on recent political news. Here is the language of the exemption: “. . . where circumvention is undertaken solely in order to make use of short portions of the motion pictures for the purpose of criticism or comment . . . for use in noncommercial videos (including videos produced for a paid commission if the commissioning entity's use is noncommercial) . . .” Do you think the activist can legally circumvent encryption, under the exemption?

Yes

No

Not sure

Q19—For the previous example, how confident are you that you made the right decision?

Not confident at all

Somewhat confident

Very confident

Q20—Here is a different version of the exemption language: “. . . where circumvention is undertaken solely in order to make use of short portions of the motion pictures for the purpose of criticism or comment.” Again, here is the situation you just decided on: An activist breaks encryption on some digital movie files to make a supercut of female movie characters rolling their eyes, as a commentary on recent political news. Using this changed exemption language, do you believe that the activist can legally decrypt the work?

Yes

No

Not sure

Q21—For the previous example, how confident are you that you made the right decision?

Not confident at all

Somewhat confident

Very confident

Q22—(Filtered for e-book writers) Consider this situation: A scholar is writing an e-book on movie musicals, and she decrypts sections from several DVDs and Blu-ray discs to get examples of climactic scenes and compare them. Here is the language of the exemption: “. . . where circumvention is undertaken solely in order to make use of short portions of the motion pictures for the purpose of criticism or comment . . . for use in nonfiction multimedia e-books offering film analysis . . .” Do you think the researcher can legally circumvent encryption, under the exemption?

Yes

No

Not sure

Q23—For the previous example, how confident are you that you made the right decision?

Not confident at all

Somewhat confident

Very confident

Q24—Here is a different version of the exemption language: “. . . where circumvention is undertaken solely in order to make use of short portions of the motion pictures for the purpose of criticism or comment.” Again, here is the situation you just decided on: A scholar is writing an e-book on movie musicals, and she decrypts sections from several DVDs and Blu-ray discs to get examples of climactic scenes and compare them. Using this changed exemption language, do you believe that the researcher can legally decrypt the work?

Yes

No

Not sure

Q25—For the previous example, how confident are you that you made the right decision?

Not confident at all

Somewhat confident

Very confident

Q26—(Filtered for educators) Consider this situation: A professor is teaching a MOOC class about communication research, and the professor’s teaching assistant decrypts excerpts from popular film releases to show how common product placement is. Here is the language of the exemption: “. . . where circumvention is undertaken solely in order to make use of short portions of the motion pictures for the purpose of criticism

or comment . . . by college and university faculty and students, for educational purposes . . . in film studies or other courses requiring close analysis of film and media excerpts.” Do you think the professor can legally decrypt, under the exemption?

Yes

No

Not sure

Q27—For the previous example, how confident are you that you made the right decision?

Not confident at all

Somewhat confident

Very confident

Q28—Here is a different version of the exemption language: “. . . where circumvention is undertaken solely in order to make use of short portions of the motion pictures for the purpose of criticism or comment.” Again, here is the situation you just decided on: A professor is teaching a MOOC class about communication research, and the professor’s teaching assistant decrypts excerpts from popular film releases to show how common product placement is. Using this changed exemption language, do you believe that the professor or the teaching assistant can legally decrypt the work?

Yes

No

Not sure

Q29—For the previous example, how confident are you that you made the right decision?

Not confident at all

Somewhat confident

Very confident

Q30—Have you ever avoided using copyrighted work in your own work because of encryption?

Yes

No

Not sure

Total

Q31—Can you tell us more about that experience? What happened?

Q32—Have you ever changed your project because of encryption?

Yes

No

Not sure

Total

Q33—Can you tell us more about that experience? What happened?

Q34—Anything else you want to add about DMCA exemptions?

ⁱ Patricia Aufderheide attended the Washington, DC, Roundtables for the Section 1201 Study May 19–20, 2016 (agenda available at <https://www.copyright.gov/policy/1201/>).