

## S 990

### Breaking Down Barriers to Innovation Act of 2015

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Commerce

**Introduced:** Apr 16, 2015

**Current Status:** Read twice and referred to the Committee on the Judiciary.

**Latest Action:** Read twice and referred to the Committee on the Judiciary. (Apr 16, 2015)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/990>

### Sponsor

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**Name:** Sen. Wyden, Ron [D-OR]

**Party:** Democratic • **State:** OR • **Chamber:** Senate

### Cosponsors

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*No cosponsors are listed for this bill.*

### Committee Activity

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Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Apr 16, 2015

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### Subjects & Policy Tags

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**Policy Area:**

Commerce

### Related Bills

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*No related bills are listed.*

## **Breaking Down Barriers to Innovation Act of 2015**

Revises procedures established under the Digital Millennium Copyright Act for the Librarian of Congress to conduct an administrative rulemaking every three years to determine whether to exempt certain noninfringing uses of a copyrighted work from the statutory prohibition on circumventing a technological measure controlling access to a particular class of work.

Requires the Librarian, when evaluating whether to allow an administrative exemption, to consider the impact of the circumvention prohibition on: (1) any reduction in the availability for use of copyrighted works; (2) repairs, recycling, or other fair uses when applied to copyrighted works, as well as access to information not subject to copyright protection; (3) accessibility of works and technologies for persons with disabilities; and (4) security research.

Prohibits the Librarian from placing the burden of proof on the proponent of an exemption. Requires consideration of the totality of the evidence.

Allows the Librarian to make administrative exemption determinations through rulemaking proceedings outside of the three-year review process if it is substantially likely that users of a copyrighted work are, or are likely to be in the succeeding three-year period, adversely affected by virtue of the prohibition in their ability to make noninfringing uses.

Requires the Librarian to automatically renew for an ensuing three-year period any exemptions granted under a rulemaking unless, as a result of changed circumstances, it is unlikely that users are adversely affected by the prohibition.

Establishes a presumption that users are likely to be adversely affected if a technological measure inhibits noninfringing uses that improve accessibility of works or technologies for persons with disabilities.

Expands existing statutory exceptions by removing certain restrictions and conditions that apply to permissible circumventions for:

- reverse engineering to achieve interoperability of an independently created computer program with other programs;
- encryption research on copies, phonorecords, performances, or displays of a published work;
- activities to prevent the collection or dissemination of personally identifying information about a natural person; or
- authorized security testing on computer systems or networks.

## **Actions Timeline**

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- **Apr 16, 2015:** Introduced in Senate
- **Apr 16, 2015:** Read twice and referred to the Committee on the Judiciary.

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