

1. Virgin Mobile USA testified that due to the inexpensive nature of the chip used on many of its subsidized handsets, there was no practical or cost-effective way to use separate technological measures to protect (1) the firmware and (2) the copyrighted works (such as ringtones, wallpaper or screensavers) contained on its handsets. Do any other manufacturers use the same or substantially similar chipsets but with separate protection measures on (2)? Are equally or nearly-equally inexpensive chipsets available that can accommodate such separate technological measures? In other words, in order to control cost, is it necessary to protect different copyrighted works contained on such handsets with one technological protection measure that controls access?
2. At the hearing in Palo Alto, representatives of Virgin Mobile USA stated that more information would be supplied to the Register in regard to the following question:
MR. CARSON: Which of your exclusive rights under Section 106 of Title 17 of the U.S. Code are being infringed when the customer takes that handset, switches to another service and uses the user interface, listens to the ring tones, whatever?
MR. LURIE: I'd like to have this filed under written submission.

Please respond to this question.

3. Do carriers, other than Virgin Mobile USA, use separate technological protection measures to protect (1) the firmware, bootloader, or operating system and (2) other copyrighted works contained on, or capable of being added to the handset, e.g., ringtones, music, motion pictures, or software applications? If so, which carriers?
4. Which carriers unlock handsets for the owners of the handset, so that handset owner can switch carriers? Under what circumstances or conditions are the handsets unlocked, if any?
5. Which carriers will lock a handset in some way in the course of providing service for an unlocked phone or an unsubsidized phone, if any?