Proposed Class:

6. Computer programs protected by dongles that prevent access due to malfunction or damage or hardware or software incompatibilities or require obsolete systems or obsolete hardware as a condition of access.

Summary of the argument:

I support this proposed exemption. Dongle was used to protect unauthorized copying of software. However, in practice it never gained market acceptance and remained a practice found among niche market software developers. More often than not the customer's usage will outlive the live of the dongle and/or the software company itself. Also, changes in computer hardware and software will make many dongles unusable with the new hardware or operating system.

Factual and/or legal support:

One of the software I have used in the past was service software for mobile phones and it required a parallel interface dongle. The developer discontinued his support for the product and does not respond to any communication.

I had an IBM Thinkpad 600x notebook computer, which has a parallel port. However, due to the proprietary design of the BIOS, the parallel port and hence the dongle could not be recognized by the software. I was forced to use another desktop computer with a more standard BIOS just for this software.

Also, it did not function beyond Windows 98, and it was a big problem as most of the other software I used was migrating to Windows XP. So this is a classic case of dongle-protected software causing harm to the users due to obsolescence.

Proponent: Lincoln Han