

To whom it concerns, I am a Computer Security academic and my name is Anthony Bills, I am commenting with regards to device classes 5,4,3. I propose that any device that a user pays for in full (or over a period of time) and therefore owns the device is allowed to do whatever they want to that device. If they rent the device, in a returnable way (this does not include a smartphone contract, as it is not returnable), then this is a different matter, they do not own the device. When a person pays for a device they should be allowed to use the device to its full capability, install any software they wish on the device and be unencumbered by what the distributor, or manufacturer thinks is okay for them.

I support the so called jailbreaking or rooting of all devices, including smartphones/tablets, video game consoles and also personal computers. I specifically note personal computers as I expect this will come up in the future where a manufacturer will attempt to limit the installation of alternative OS operating systems such as Linux. This will greatly harm my ability to research or even use a computer, as I do not use other operating systems.

For me the reasons to jailbreak a tablet or smartphone may be to install the most recent and most secure version of the operating system. As the manufacturer may not supply any updates for that device in a timely manner, or ever. One example is that on my tablet I cannot charge over USB when it is plugged into a computer, this is nothing but a software limitation set by the manufacturer. I can install a custom operating system and then get round this limitation, which is clearly of no benefit to the manufacturer. Another example is that support for a device is cut off after sale or after one year from its introduction. The user is then forced to upgrade hardware just to get the next version of software. This however should not be the case, the older version of hardware is perfectly capable to run the newer software. Since the product is out of warranty anyway, and they have paid for full for the device they should be allowed to jailbreak and install any legitimate software they wish. Other reasons may be to install content outside of the limit of the manufacturer, the device has already been paid for and they should not have a guaranteed revenue stream through purchase of locked in applications. Also as a security researcher I may need to install a custom driver or edited software on a device.

From my security research there are plenty of ways that a console developer can restrict the possibility of cheating or running pirate software, whilst allowing the use of a jailbreak on the device. Many of these are used today in software such as Steam by valve, or in NFC payment systems.

Information to perform jailbreaking should also be freely available and distributed online. This is because the information has been created by another party other than the manufacturer and therefore the copyright is owned by the jailbreak distributor and not the manufacturer. Also as there is no loss or sale of the information this is included under fair use.

If copyright can effect either of these then this may also restrict the publication of research papers which may be vital to the security and well being of individual people.

The overall desire of a manufacturer is to be able to control everything, including software, also monitor everything. An example of this is carrier IQ which was installed on devices as a root kit to monitor smart phone users. Jailbreaking a device is the only way to remove this. Also manufacturers want to create a locked in system, preying on innocent buyers and preventing competition from other companies. An example of this is having their own application market, and vetting the applications that are submitted. If they find an application that they think they can make money off they will reject it and then charge exorbitant fees for their own created version instead. This has happened with the WiFi sync application, what is now called siri, and also with the OnLive service. This is clearly not a DMCA or copyright issue, therefore jailbreaking should be unrestricted. If a manufacturer wishes to refuse access to its online services to jailbroke devices then this is the obvious solution for them. But they have no control or ownership of the device. It is a physical object which has been paid for in full cannot be encumbered by license agreements and is separate from software.