

To whom it may concern

I am writing to you in support of an exemption of the DCMA for smart phones, tablet devices, video and game consoles. Specifically, I have experience with an Apple iPhone 3GS. As you probably are well aware, Apple has locked down the phone to prevent any installation of non-Apple-sanctioned software on iPhones and iPads. To fight against "jail-breaking", it claims that jail-breaking violates the, in my opinion very broadly written, DCMA.

I believe that the US Copyright Office should extend the exemption of the DCMA for "jail-breaking" of iPhones and broaden its coverage to iPads and similar tablet devices, as well as to gaming consoles, for the following reasons.

-Lock-down prevents innovation and competition because developers are at the mercy of the hardware vendor. There are countless reports of Apple removing useful applications with little or no explanations. Even if explanations were provided, many of these removals have occurred claiming that the iPhone already provides or will provide such functionality (keyword "Safari browser", and often 3rd party applications are much better than the original Apple apps).

-Lock-down violates my rights as owner. When I bought my iPhone, I did not enter a leasing contract or anything where I would have to surrender my phone, but I purchased it and own it. Why should anyone dictate to me, what software I run on the computing hardware that I legally own? Smartphones are technically very similar to general computers: They have a processor, persistent and transient memory, a display device, input and output devices, etc. It would be unthinkable that a manufacturer sells PCs, locks them down, and claims DCMA violations of anybody who attempts to install of other vendors' software.

Thank you for your consideration,

Christoph Wienands