

Related Cases
2012 DMCA Rulemaking
Intellectual Property
DMCA Rulemaking

I am a hobbyist and an independent user of multiple computing devices including, smartphones/tablets, video game consoles, computers, etc. There is always software that I cannot run and computing actions that I cannot complete on locked devices. The very nature of locking the device prevents me from using it to its fullest potential and stifles creativity and freedom.

I depend on the ability to jailbreak my devices to write, use, and/or tinker with independently created and useful software applications, including important security fixes that many times the manufacturer feels no pressure to provide. Why, I can't even add an application from my local television station unless the manufacturer approves and provides it. Give me a break. Just how much power does the manufacture want over my life? I have paid for these devices. I am not trying to make money off the device or tweak or resell or scam anyone. I just want to use it as I see fit with the programs and applications that I want to use every day. The manufacturer is simply trying to nickle and dime the consume to death.

Jailbreaking Is Not A Crime: I want to keep my devices Free! This is not intellectual property. This is a machine and as such, I, the purchaser and the consumer who paid for the device, should be able to utilize the machine that I purchased. I buy a car then I drive it where I want to. No one has the right to tell me where to travel, or how long I can be on the road or where to sleep. Maintenance and upkeep on my car is my responsibility and I am not forced to go to one mechanic, who overcharges because he knows he can, to get my car repaired. Or to use one gas station who provides water-laden gasoline because they can get away with it. Locking these devices can be equated with helping to create monopolies and working against free enterprise. It would ensure that we are forced to use programs, applications, and utilities that are subpar and substandard. I believe it is the GNU and similar motivational entities that drive change for the better and are setting the bar and pushing growth and change for the better in the computing industry. Forcing the consume to ignore these favorable and free programs and applications is removing the drive for change and freedom. A story that has been written and authored, created in the mind of the writer is intellectual property. The typewriter that was used to produce the document is not. Intellectual Property is intangible, not concrete.

I want to be able to run the software that my friend developed and freely provides to me (his intellectual property unless he releases it to GNU). If his software destroy's my device, well then, it is my baby and I guess I'll rock the loss from my own pocketbook. It really doesn't matter if the manufacturer approved the software or not. It doesn't matter if I wanna drop it off a cliff, feed it to a shark, or let my 18-year-old nephew run an application he designed and it burns up my device after playing God Bless America. The device is mine. I should be able to do it. Everyone should have this right.

Jailbreaking does not create uncertainty. Now gun control or the lack thereof, that's uncertainty.

Yet, I don't see the gun manufacturers trying to control the actions of their customers. They don't take responsibility for their customers actions either. As well they shouldn't. They don't tell the consumer what ammunition has to be loaded in the gun, only what is covered by the warranty. Some device manufacturers claim that jailbreaking violates Section 1201 of the Digital Millennium Copyright Act (DMCA), which carries stiff penalties. God give me strength. The device design is protected because the device is concrete. What I do with a legally purchased device should not be the concern nor the responsibility of the manufacturer. I really don't think the manufacturer wants that either.

Please declare that jailbreaking does not violate the DMCA and indeed is not even remotely connected with the rule. In 2010, the Copyright Office said jailbreaking smartphones doesn't violate the DMCA. This year, I ask you to renew that exemption and expand it to cover tablets. I am also asking for a new exemption to allow jailbreaking of video game consoles another legally obtained piece of computing equipment.

Please consider the ramifications carefully. The actions today become the consequences of tomorrow. Such control over a piece of hardware and its ability, would empower and embolden the manufacturer. Pretty soon, they would try to rent the device like they do software. This is a blatant attempt to stifle free enterprise and competition. Linux and GNU is breathing down their neck. They are running scared and trying to use you to protect their little piece of the pie.

They can't sell the pie and eat it and keep it to resell. This is nuts and bolts. I do not want to resize, redesign, remanufacture, redistribute, or rebuild for profit, I and others like me simply want the key to the front door of the home we purchased and the right to change the locks as we desire with the design of our choice.