

I am writing in to request that the exemption of circumvention of copyright protection systems be made permanent for device classes 4 and 5. Not extending the exemption will harm both the consumers and the manufacturers of mobile computing devices. Not allowing software modifications may violate the license of the software that the manufacturers use.

The ability for a community of users to legally, and easily, alter or replace the firmware that has shipped with their devices has made a large impact on the mobile computing world. Communities have picked up support for many smartphones and tablets and have continued development for these platforms long after the manufacturer had dropped support for them. This has increased the value of the hardware to the consumer. A consumer who has the ability to purchase a device, for which a community supported firmware is offered, will be assured that their device will be supported for an appropriate amount of time. They will be able to feel comfortable in that their major investment in such a rapidly changing technology will not be a poor investment, only providing them with six months, or a year's support on a device that they are contractually stuck with for two years. It is in the manufacturer's best interest to cultivate such a community and to encourage development of this sort. However, in cases where the manufacturer is disinterested, or prevented by the mobile network operator, the consumer should not be punished. Instead, the consumer should be provided the basic protection of being allowed to use their device as they see fit, for as long as they can make their device useful, and as long as they are not doing harm – which would be a separately addressable issue anyway.

Further, many devices ship with software licensed under the GPL. In order to comply with the GPL, manufacturers **must** provide source code and other necessary pieces to their consumers. Limiting the consumers' ability to use the provided code would at the very least violate the intent of the GPL, but it may also violate the letter of the license. The GPL is used as a license to ensure that the code contributed for free by the large community of software developers, like myself, is not **stolen** by large corporations, with large budgets, and put to use in proprietary systems. Rather, we require that code that we release under the GPL be made available, such that users can modify it to fit their needs. If the exception for circumvention is not made permanent, it could have a chilling effect on the mobile computing industry, as manufacturers of devices might be put in a difficult position of not being able to use the operating systems that their consumers demand (Android).

Thank you,
E. John Feig
Owner, CEO of FeigDev, Inc.