

Jailbreaking Is Not A Crime: Tell the Copyright Office to Free Your Devices!

The Problem – Smartphones, tablets, and video game consoles are powerful computers with lots of untapped potential. Yet many of these devices are set up to run only software that’s been approved by the manufacturer. Modifying a device to run independent software – known as jailbreaking – is important to programmers, enthusiasts, and users. But jailbreaking creates legal uncertainty. Some device manufacturers claim that jailbreaking violates Section 1201 of the Digital Millennium Copyright Act (DMCA), which carries stiff penalties.

The Solution – EFF is asking the U.S. Copyright Office to declare that jailbreaking does not violate the DMCA, and we need your help. In 2010, the Copyright Office said jailbreaking smartphones doesn’t violate the DMCA. This year, we’re asking them to renew that exemption (otherwise it will expire) and expand it to cover tablets. We’re also asking for a new exemption to allow jailbreaking of video game consoles.

How You Can Help – The Copyright Office needs to hear from people who depend on the ability to jailbreak to write, use, and/or tinker with independent software (from useful apps to essential security fixes) for smartphones, tablets, and game consoles. You can submit comments online at this link.

Here are some questions you might want to address in your comments:

Which jailbreaking exemption are you supporting—smartphones/tablets, video game consoles, or both?

What's your background (i.e., are you a developer, hobbyist, academic, independent researcher, user, etc.)?

What device do you want to ensure you have the legal authority to jailbreak?

Please explain why you want to jailbreak this device. What limitations do you face if you aren't able to jailbreak it? Is there software you couldn't run, computing capabilities you wouldn't have, cool things you couldn't do, etc.?

If you're a developer, did an online application store or console manufacturer reject your app or game? If so, what reasons did they give?

Is there anything else you want to tell the Copyright Office?

Concrete examples will help show the Copyright Office why they should renew and expand the exemptions for jailbreaking. Send your comments to the Copyright Office at <http://www.copyright.gov/1201/comment-forms/>. Where the form says “Comment number(s) of proposed classes of works to which you are responding,” enter a “3” if you’re writing about game consoles or a “5” if you’re writing about smartphones or tablets. You might consider also entering a “4” to submit your comments in support of an exemption request proposed by the Software Freedom Law Center to allow jailbreaking of "personal computing devices."

Comments are due by February 10 at 5 PM Eastern Time. After you send comments to the Copyright Office, please also send a copy of your comments to dmca-comments@eff.org so that we can see what people are saying.

We also encourage you to sign this petition.

Related Cases:

2012 DMCA Rulemaking