

As an Information Technology professional, freedom advocate, and part-time software developer I believe that when a person purchases any physical electronic device (video game console, computer, tablet, mobile phone, etc.) they have the right to do anything they wish with that device as long as it does not harm another person. This means if a person purchases a mobile phone they have the right to use it as the manufacturer intended, destroy it without even using it, or write their own software to run on that hardware. The latter is where problems are now seen much more than they have been in the past. Some companies who make these devices attempt to make it impossible to use their devices for anything but what they allow by making it difficult or impossible to run custom software on the device.

The exemption in question focuses on unlocking (also known as "jailbreaking") an electronic device so that non-vendor approved or distributed software can be created and ran on the hardware. Some manufactures claim this process of allowing the device (and possibly some of the vendor's existing software, e.g. the operating system) to run third party software is illegal under current U.S. copyright law. As long as the changes do not violate the manufacturer's copyrights in some other obvious ways such as by a third party distributing a modified version of the original (copyrighted) software, I disagree. I do believe that simply modifying software or hardware that a user already owns/has a license to use is **not** copyright infringement. I believe copyright law allows the owner of a device (or software) to run software that was not included in the original device or the software that came with a device as **fair use** of said device or software.

Lastly, my opinion is that no single entity (person, government, company, etc.) should have the power to say "you can only use this item for exactly what we specify, otherwise you are breaking the law and will be punished." Issues similar to this one involving computer technology are often taken out of context and seen as a "special" scenario that needs to be handled differently than anything else in U.S. law and I believe this is incorrect. For example, imagine you purchased a clothes washing machines made by ExpensiveWashers Inc. They own a copyright on various minor parts of that washer and they claim that only ExpensiveWashers Inc. certified clothes can be washed in the machine and only ExpensiveWashers Inc. certified clothes can even be inserted into the washer. Later, one owner of the machine discovers you can in fact use CheapClothes Ltd. brand clothes in the machine just fine if you move the control knob of the washer to a different setting. That user publishes that information on how to make the change. ExpensiveWashers Inc. then claims that the user modified the washer in a way that violated a copyright they owned and that the owner of the device broke the law.

Although this example seems outlandish, it is exactly what is happening. Instead of a washing machine, it's a mobile phone. Instead of ExpensiveWashers Inc. it's Apple Inc. Instead of clothes, it's software. Does changing a setting of the device (washer/phone) which a user rightfully purchased to allow a third party object (clothes/software) to work violate a copyright? Is using that device to its full capability not protected under fair use?

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Thank You
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