

In today's world of exponential change in the electronics and computer industries, the governments of the world are at a supreme disadvantage to keep pace with these industries. While the role of government does include a codification of standards to protect and nurture invention and innovation, the industry is in a break-neck speed of such vast upheaval, it does perhaps more harm than good to overly rely on the government to update what it regulates.

However, the oversight with the DMCA and its exemptions provides a good forum to bring some of this to the ears of the peoples' government. The DMCA was established in order to prevent theft and piracy and misuse of copyrighted software. Whether or not software is even a valid work to copyright is a different matter entirely, but the fact of the matter is that a product, trademarked or copyrighted, is purchased by the consumer for any number of uses. Those uses *may* include the intended use by the manufacturer/distributor/supplier, but the whole ingenuity of humanity is to use a thing for uses not even yet conceived. The manufacturer may state that warranties and specifications of performance are only valid in certain uses and environments, but the manufacturer has no legal right to say, for instance, that a screwdriver cannot be used as a hammer.

The exemptions we seek from the DMCA are vast and have far-reaching effects, many of which manufacturers may lobby against and decry as a violation of their rights. The rights of an individual must always, in law, come before the rights of a corporation. The right of a person to use their purchased goods in a manner that was not envisioned by the manufacturer is a right. To take that right away, to forbid humans to tinker with their own copies of something they bought, is to take away our humanity. Every engine enthusiast, artist, DIY (do-it-yourself) hobbyist and so many more types, has a right to take parts and pieces of products they buy, and through their own work, perhaps with the testimonies and advice of others, join them together and fashion new and exciting things... but every electronics and software tinkerer is a criminal the instant they use software or electronics in a way that somehow violates the (often draconian) restrictions a manufacturer places on their goods, restrictions that have little and less oversight and regulation. A member of the public should be able to buy a phone, a computer, a gaming system, a tablet—in reality, *any* device, analog, electronic, or mechanical – and use it where they want, how they want, and with what they want. They should be able to develop novel functions and programs and uses for the device after they have paid their money to gain a copy of the device for themselves. If there is a crime committed while doing so, prosecute *that* crime. For instance, “unlocking” or “rooting” a device, or examining how it is made (software and/or hardware) should not be a crime itself. If, after a person examines and tweaks how a device is made, they manage to break sound ordinances, or if the act of gaining an understanding of how a piece of software works suddenly steals cash from a nearby bank, or if a device is used to club someone to death—those are true crimes. Each of them is prosecutable in their own right.

Historically, let's look at an example. Car servicing and replacement parts are a good place to start. Some services have to be performed in certified establishments to continue to retain a warranty on the automobile; that is a legally enforceable agreement an owner makes with the manufacturer. However, it is not illegal to cut a car apart, or put a different engine in there, or to document how an engine works and how to enhance the performance beyond what the manufacturer designed. If you make market parts as “official manufacturer parts” and they are not, that is a crime. So is driving your modified car on public roads when you have modified it in ways that break local or regional or national laws for automobiles on the public roads.

These are the things that make America great, which train up the next generation of tinkerers and innovators and scientists and cutting-edge free enterprise entrepreneurs.

STOP LIMITING AMERICANS FROM REACHING OUT TO THE FUTURE, BY HANDICAPPING THEIR EFFORTS TO UNDERSTAND HOW AN OBJECT FUNCTIONS, AND HOW THEY CAN INNOVATE NEW, AND GREATER, USES FOR THOSE SAME DEVICES.