

Ms. Pallante,

I am writing this in response to section 5 (smartphones and tablets) of Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies. For me circumvention (a.k.a. Jailbreaking) of software limitations on smartphones and tablets is essential for practical use and enjoyment.

Some of the best improvements offered by software requiring a jailbreak give users quick access to control of device functions like Wifi, bluetooth, and cellular data. Wifi can take up quite a bit of power, draining batteries quickly, but many smartphones require the user to dig through a layers of menus in order to disable it. Bluetooth is a good, though not perfect, technology that allows connection to all sorts of peripherals like headsets and car audio systems. Usually at the most inconvenient times the phone or connected gadget will drop the connection requiring the bluetooth to be restarted. I have attended conventions and other large gatherings, which place a large number of phone users in the same place causing a strain on whatever wireless network, be it WiFi, 3G, etc, slowing everything to crawl. Having quick access to switch between wireless options can be very helpful, but I haven't encountered many phones that users quick access to do so without some kind of jailbreak related tweaking.

For many reasons cellphone manufacturers are always releasing new phones. Sometimes its an update of last year's hottest seller or something new and last year's, or last months model is quickly forgotten. Users with these barely old phones are often stuck, unable to get the newest software updates, and often critical security patches because wireless carriers only allow updates from them unless a user jailbreaks the device.

From a security and privacy standpoint these walled gardens of locked operating systems are even more unacceptable. As new discoveries, like the use of CarrierIQ, have shown many of these walled gardens have holes built in by the manufacturers or wireless carriers. More and more of our personal information is going onto and being accessed from these devices so I believe it should a protected right that users be allowed legal access to the systems handling this information.

Last, but not least is the look and feel of smartphones. Companies put varying efforts into the appearance and customizable options of their devices. Some, like Apple, have made aesthetics choices crucial to their success. Nonetheless it is never enough for users, like me, who want to change to the look to suit our personal taste.

-Nick Hewes