

To whom it may concern,

I am writing in opposition to the premise that “Jailbreaking” a device (e.g. smart phones, tablets, game consoles, etc.) is copyright infringement upon the “property” of proponent that either developed the original hardware/software or manufactured it. Copyright law grants the creator of the “original work” exclusive rights to it, and presumably all derivative profits and accreditation. However, in no logical way (in my opinion) can “Jailbreaking” be considered infringement” upon such “original work” as very process involves abandoning the “original work” and replacing it with something entirely different and often times more preferable; thereby nullifying any possibility of infringing upon any derivative profits and/or accreditation. This rationalization can be supported by the following comments:

- Upon entering a purchase agreement with the manufacture and/or its distributor, and furthermore upon the actual purchase of their product (e.g. “original work”), by definition that product then becomes my property to do with as I see fit. If I so choose to “Jailbreak” that device, in no way does that infringe upon their profits as I have previously provided monetary compensation for that device; nor does it infringe upon the fact that they created the “original work”. A fair analogy (in my opinion) is that when I buy a car, I have the right to add on and “augment” that car as much as I so choose (because its my property). This requires the existence of other “entities” that provide me the services and parts that allow me to augment my car (which is clearly an established legitimate business). So in other words the smartphone (for instance) is the “car” and I jailbreak it (“augment”) using the software (“parts”) that the developers provide (“entities”).
- In no other business is it frowned upon to already take established products and technologies and build upon what they have already accomplished; this is how progress is made. At the very least this will prevent (or limit) otherwise creative and innovative things that developers can (and should do) with these devices. The government should only be protecting the “original work” and not anything new that comes along based upon it (as that is innovation and progress).
- Regardless of the possible infringements upon copyright of the “original work”, this can be rationally construed as an infringement on my civil rights (e.g. the right to property) which should take precedent over the infringement of copyright.

It is my opinion conclusively that this proposed regulation is an attempt by the creators/manufactures of the “original work” to create a market that allows only their products and services to thrive, preventing the possibility of other entities to produce better products and services that reflect the demand of consumers (e.g. “me”). Such is un-American and in opposition to the very premise of innovation, progress, and a free market.

Thank you,

A Concerned Citizen