

Reply from Scott Stone

My response is to class 4: which I'm to understand is personal computing devices and therefore includes computer entertainment systems also known as video game consoles, cell phones with embedded micro-computers also known as smart phones, computers pre-installed with proprietary operating systems some of which being know as tablets or PDA's, computer networking equipment including but not limited to routers switches hubs and NAS units, and any other device that meets the following requirements:

- 1) the device is interactive
- 2) the device contains a computer processor embedded or otherwise
- 3) the device has data storage functionality regardless of capacity
- 4) the device operating system or user interface is stored on the device itself in hardware software or firmware form
- 5) the device is physically owned by the user rather than being licensed or leased

Having established that I'm commenting on the usage of privately owned devices let me state this; jailbreaking a device or hacking it as its otherwise called does violate warranty's both express or implied unless the device manufacturer states otherwise but it does not violate copyright. Copyrighted device code isn't being transferred to other devices but rather the user is replacing the copyrighted code with new code freely available for use or developed by the user. The device manufacture cannot be held responsible for any damage that results from this action but neither should the manufacture be able to claim to have been damaged by it as the device is owned by the person making the modification.

When it comes right down to it these devices are all different forms of computers built for specific purposes and restricting the modification of them because they are not full blown computers or because they have pre-loaded software or operating systems could have unforeseen ramifications all across the computing industry.

There are times when the letter of the law is prioritized over the spirit of the law; those are the times when justice fails. The spirit of the law is clear; to protect copyright holders from loss or damage due to copyright infringement. Modification of these devices causes neither loss nor damage to the copyright holders but rather results in a net sales gain in the form of devices bought for modification