

I am in support of there being an exemption to the Digital Millennium Copyright Act for the act of jailbreaking smartphones, tablets, and other personal computing devices.

Currently, my family has two Apple iPhones and an Apple iPad jailbroken. Jailbreaking the device was essential to allowing me to use the devices I legally own the way I want to use them.

Specifically, my two iPhones were locked to AT&T. AT&T will not unlock the phones even though I own them outright, and I have no contract with AT&T. I wanted to use the phones on the carrier of my choice, T-Mobile. Unfortunately, Apple has failed to offer the iPhone on T-Mobile. So, me along with another million happy iPhone users on T-Mobile (according to a recent T-Mobile public statement) had to jailbreak the phones in order to unlock them so that they would work on T-Mobile. If I couldn't jailbreak the phones, I would either have to give up the smart phone of choice or the carrier of my choice. Since jailbreaking is currently legal, thankfully, I haven't had to do either.

Moreover, Apple tries to be the gatekeeper to all applications that can be installed on its mobile devices. So, if an application doesn't agree with Apple's policies, it is not possible for a person owning an Apple Mobile device to use that application without the device being jailbroken. For instance, Apple has repeatedly been in the press because it has removed several controversial applications dealing with politically sensitive topics. Why should Apple be allowed to decide what people find appropriate to view on their devices? Apple's policies thwart free speech.

Further, if jailbreaking were illegal, the functionality of my devices would be limited. On my Macintosh computer, I use a program called VLC, which allows me to view video in a variety of different formats. The program is legal; yet, Apple fails to allow the application on its App Store. If my devices were not jailbroken, this policy would prevent me from watching and sharing some videos from my video recording equipment on my mobile devices. In addition, there are features available for Apple's Mobile devices that Apple doesn't allow. For instance, before Apple released iOS 5, its iPhone's notification system that told users about people calling and text messages was considered to be one of the worst on mobile devices. Some third parties made better alternatives, which I could only purchase because my phones were unlocked. Ironically, Apple hired one of the developers of a notification application that it tried to keep off its Mobile devices to improve its own notification system.