

## **Short Comment Regarding a Proposed Exemption Under 17 U.S.C. 1201**

*Submitted by:*

iFixit

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### **Item 1. Commenter Information**

iFixit is an international, open-source, online repair manual for everything. Our mission is to provide people with the knowledge to make their things work for as long as possible. Because we believe that repair saves money, fosters independence, and protects the planet.

iFixit is global community of makers, hardware hackers, fixers, tinkerers, and repair professionals. In 2014, the iFixit community taught repair to over 40 million people from almost every country in the world. The strongly collaborative group has published over 10,000 crowd-sourced repair guides on iFixit.com. This massive, free resource has helped people fix everything from mobile phones to game consoles, toys to musical instruments. iFixit also stands firm in its support of the tinkerers and independent repair professionals in our community. We believe that owners should have the right to repair, modify, and hack the things that they own.

### **Item 2. Proposed Class Addressed**

Proposed Class 15: Unlocking – consumer machines

### **Item 3. Statement Regarding Proposed Exemption**

Just the other day, I got a card in the mail for my birthday. When I opened it up, the card started singing “Happy Birthday.” And that little thing — peeling out at the top of its automated lungs — made me laugh. What a strange thing to computerize.

But it suddenly occurred to me that this silly card was the perfect example of what I call The Law of Electronic Eventuality: If something can have a computer in it, eventually it will have a computer in it. Our physical objects aren't just physical anymore. Code runs unseen through thermostats, coffee makers, smoke alarms, birthday cards, and more like connective tissue. As with muscle, it's that connective tissue that makes a thing work.

Without code, without software, our Things become inert. Dead. While this ushers in a whole new world of possibilities, it's also redefining ownership. Because when you purchase a physical object, you don't actually buy the software in it — that code belongs to someone else. If you do something the manufacturer doesn't like — repair it, hack it, unlock it — you could lose the right to use “their” software in “your” thing. And as these lines between physical and digital blur, it pits copyright and physical ownership rights against each other.

Welcome to the brave new world of copyright. And while technology continues to leap forward every day, copyright laws have yet to catch up.

The first copyright laws, born in the early days of the printing press, were a tool to incentivize intellectual property creation. But in those days the lines were clear: a book buyer could scribble in the margins, [sell it](#), even light the book on fire. An individual copy of a book was not limited by copyright. Now things are more complicated.

Our current [Copyright Act](#) was passed in 1976, back when Steve Jobs had just left his job at Atari and a single floppy disk [cost \\$390](#). And when the [Digital Millennium Copyright Act](#) was passed in 1998, few people imagined that we might soon want to hack into our phones or thermostats. Designing software into physical objects changes the rules of ownership — and right now it's not in favor of the consumer. Programming and code are copyrighted. Consumers are no longer owners; they are licensees.

Just last year, carmaker Renault integrated DRM into a car battery — giving Renault the ability to [shut down](#) your car if you violate their

contract. A few years ago, Texas Instruments [threatened a hobbyist](#) with legal action when he reverse-engineered his calculator, figured out how to install a different operating system, and shared his findings on the internet. (TI demanded he remove his blog post.) More recently, [Keurig integrated DRM](#) into its coffee machine as a ploy to lock its users into name brand coffee. Even kitty litter isn't immune. Just this year, CatGenie [deployed DRM](#) on its self-cleaning cat litter pan to stop users from reusing or refilling cleaning cartridges. The list goes on.

Under current copyright laws, corporations are able to put locks over consumer machines—even without announcing those locks to consumers. Owners, on the other hand, do not have the right to remove those locks without the permission of the manufacturer. Worse, developers who release DRM-defeating software face [\\$500,000 in fines](#) and up to five years in jail.

Every day another new computerized product hits the market—a new consumer machine with code for its connective tissue. As long as “The Law of Electronic Eventuality” marches on, and as long as companies can make money by keeping users out of their own stuff, they will. iFixit is asking the Copyright Office to make an exemption for unlocking consumer devices—because until consumers are legally able to unlock their devices, they don't really own them.