

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

## **Item 1. Commenter Information**

Donald Robertson, III  
Free Software Foundation, Inc.  
51 Franklin Street, Fifth Floor  
Boston, MA 02110-1335  
licensing@fsf.org

This comment is filed by the Free Software Foundation, a charitable corporation founded in 1985. The Foundation is the largest single copyright holder of the GNU operating system (used widely today in its GNU/Linux variant). The Foundation's GNU General Public License is the most widely used free software license, covering major components of the GNU operating system, and tens of thousands of other computer programs used on hundreds of millions of computers around the world.

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

Proposed Class 11: Computer Programs—Avionics

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

The GNU/Linux operating system has become one of the most widely used operating systems on the planet. The GNU System and the kernel Linux are called free software, because users are free to study, share, and improve the software. This approach to software sharing and collaborative improvement has resulted in an incredibly powerful operating system, used everywhere from the International Space Station, to the US Department of Defense, to laptops used by millions. There is no longer any doubt that digital restrictions are totally unnecessary to achieve the socially beneficial purposes envisioned by copyright law. In fact, the continued existence of digital restrictions only hampers software development and cultural production, and amounts to a government subsidy for companies following outmoded and unethical practices.

Those who promote free software believe that controlling one's own computing should be a universal right. Digital restrictions interfere with the ability to enjoy this right. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous, and instead, any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software and instructions for circumventing access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

With regard to this particular exemption, all users have a legitimate right to circumvent controls on avionics software. Users must be able to control their own computing, and this is even more important when it comes to the computing needed to keep aircrafts aloft. Owners of aircrafts should always be permitted to study and modify the software involved in flight. The exemption should extend to all works of software and devices, and should further extend to the sharing of tools users need to circumvent such controls.

The following US residents co-sign this comment:

Alexandre Hannud Abdo, NY

Jerry Lee Minn

Jerald Vinikoff, NY

Rob Frohne, Washington

Tom McNeely, Washington

David Kaufman, PA

Mike Bird, WA

Mark Chappel, GA

Xavier Kral, CA

Radoslaw Czerwinski, NY

James Parks, TX

Raquel Bujans, NY

Robert Clyne, Mich

Aaron Ruschetta, GA

Nicholas Beatty, Montana

Julie Fitzgerald, Penn

John M. Novak, CO

Seth Fulton, CA

Alex Sandersfeld, CA

Karl R. Harger, Maryland

Chad Walters, WA

Gary Parson, NY

Anthony Santangelo, CA

David Egan Evans, Utah

Marcia K Wilbur, AZ

Michael Vincent, Il

Ben Williams, MA

Cristian Frâncu, CA

Dylan J Fahey, NV

Robert Wise, TX

Jerry Boman, KS

William G Hatch, Utah

Tim Fujioka, NY

Brian Kunzelmann, GA

Svetosla Trochev, NV

Lisa M. Goldstein, MA

Ben Williams, MA

Cristian Frâncu, CA

Klaus P Schreyack, CO

Josh Ventura, PA

Charles Tabor, TX  
Arthur Torrey, MA  
Claire Hurwitz, CA  
John Duchek, Miss  
Francisco Javier Garibaldi Rodríguez, DE  
Richard Borkovec, PA  
Brandon O'Toole, WA  
Grant Levy, CA  
Rod Murufas, California  
Justin Walker, Wisconsin  
David Hopp, North Carolina  
Dan Munro, New Jersey  
Arthur M Coucouvitis, New Hampshire  
Marvin Simkin, Arizona  
James Pollock, Florida  
Kalin Yancy, Oregon  
Chris van Gorder, Virginia  
Wayne Moore, New York

The following international users co-sign this comment:

Vadim Golub, Belarus  
Yogesh K S, India  
Juan José Navarro, Spain  
Pierre-André Scheffer, France  
Leo Butler, Canada  
Yvan Turcot, Canada  
David Seaward, South Africa  
Augusto Herrmann, Brazil  
Cassiano dos Santos, Brazil  
Hennadii Madan, Ukraine  
Felipe Sologuren, Chile  
Davide G. M. Salvetti, Italy  
Daniel Waxweiler, Luxembourg  
Jean-Pierre Coeffic, France  
German Augusto Perez Jaramillo, Colombia  
Henk de Bruyn, Netherlands  
Douglas Stetner, Australia  
James Legg, UK  
Doriano Calandro, UK  
Thomas Vansteenbergh, France  
Jean-Sebastien Trottier, Canada  
Vince Pisciotta, Australia  
Simeon Kudratt, UK  
Pascual Conesa, No location given  
Andreas Boehlk, Germany  
Magali de Morangies, France  
Dominik Wujastyk, Canada  
Phillip Cripps, No location given

Christer Barreholm, Sweden  
Jacques Kreitmann, France  
Klaus Lichtenwalder, Germany  
Maciej Jonczyk, Poland  
Tim Evans, UK  
Kim Aleksey Arturovich, Uzbekistan  
Alexander Steinhardt, Austria  
Normand Boivin, Canada  
Antoine Rault, France  
Nicholas Bohm, UK  
Günther Höfer, Germany  
Melissa McCarthy, Canada  
Jasper Mulder, Netherlands  
Nicholas Bohm, UK  
Sandro Santilli, Italy  
Przemysław Ołtarzewski, Poland  
Jiri Pittner, Czech  
Stefan Stefanović, Serbia  
Rasmus Jensen, Denmark  
Ben Geeraerts, Belgium  
Kuisma Lappalainen, Finland  
Michael Felt, Netherlands  
Sebastian Makowiecki, Ireland  
Trevor Oxborrow, UK  
Aravind Chak, No location given  
Balázs Klenk, Hungary  
Sandro Santilli, Italy  
J. Charles Teyssier, France  
Kushagra Merchant, India  
Anthony Falez, Canada  
Raffaele Manzo, Italy  
Olaf Meeuwissen, Japan  
Cindy I. Ehsman, Australia  
Manu Revah, France  
Gonzalo F. de-Cordoba, Spain  
Richard Borkovec, No location given  
David Seaward , South Africa  
Anju Passi, No location given  
Yvan Turcot, Canada  
Natalia Strzelczyk, No location given  
Russell Andres, No location given  
Leo Butler, Canada  
Tadeus Prastowo, No location given  
Tjeerd Pinkert, Germany  
Kostis Anagnostopoulos, Greece  
Kylie Willison, Australia  
Steven M. Dupuis, Canada  
B. Ross Ashley, Canada  
Michael G. Henders, Canada

Michael Mounteney, UK  
Anton Tagunov, UK  
Pierre Barberis, Philipines  
Ulf Rosvall, Sweden  
TC Willett, No location given  
John J. Marxer, Spain  
Joe Feely, UK  
Jose Balado, Spain  
Craig Tee, UK  
Sergey Dmitrouk, Ukraine  
Laurence Hazlewood, No location given  
Tomas Nordin, Sweden  
Adam Cornwell, UK  
Colin Craig, UK  
Jan Holst Jensen, Denmark  
Petter A. Urkedal, Denmark  
Keith Owen, UK  
John O'Hare, UK  
Mattie Van den berg, Netherlands  
Alan Harries, UK  
Jan-Jan van der Vyver, South Africa  
Peter Östergren, Sweden  
Vandenabeele Andre, France  
Dave Hardcastle, UK  
Rasmus Jensen, Denmark  
Ben Geeraerts, Belgium  
Michael Felt, Netherlands  
Oleg Kokorin, No location given