

Commenter: **Christopher Meacham**

(1) Regarding Proposed Class of Work 1

Literary works in the public domain that are made available in digital copies.

As a student and a netcaster, I have been significantly hindered in both my educational and information dissemination capacities by encryption of such public domain content, to the point of rendering it effectively impossible to engage in my fair use of the public domain works. It would have greatly increased my ability to use the public domain works had the proposed exemption to legally allow the decryption of the works been in place.

(3) Regarding Proposed Class of Work 3

Computer programs that enable lawfully acquired video game consoles to execute lawfully acquired software applications, where circumvention is undertaken for the purpose of enabling interoperability of such applications with computer programs on the gaming console.

As a student and a subcontractor of the US Department of Defense, it is occasionally necessary to use inexpensive, but capable, hardware to meet the needs of a project, both for a professor or the US taxpayer. In fact, the Air Force was well known in technology circles for building a supercomputer out of Sony PlayStation 3 consoles due to the high performance to price ratio and availability of Linux based operating systems on these consoles. Sony later removed the ability to run Linux on these consoles, causing the Air Force to eventually abandon the project due to lack of replacement hardware. If the proposed exemption is implemented, there will be legal capability to continue the use of the supercomputer as the Air Force can then receive replacement hardware with minor alterations to the firmware.

(4) Regarding Proposed Class of Work 4

Computer programs that enable the installation and execution of lawfully obtained software on a personal computing device, where circumvention is performed by or at the request of the device's owner.

And

(5) Regarding Proposed Class of Work 5

Computer programs that enable wireless telephone handsets ("smartphones") and tablets to execute lawfully obtained software applications, where circumvention is undertaken for the purpose of enabling interoperability of such applications with computer programs on the handset or tablet.

As a student, an end user, and a subcontractor of the US Department of Defense, it is occasionally necessary to use legally obtained productivity and/or entertainment software on devices without the permission of the manufacturer. Sometimes this is used to allow continued use of hardware no longer supported by the manufacturer. Often it is used to determine any security vulnerabilities in the hardware, something for which most manufacturers never give permission. Most often this is needed for porting software from older hardware to newer hardware, however it is also useful in situations where the software has been expressly denied permission by the

manufacturer, such as with the Apple iPhone. Often it is used to expose functionality that had never been intended for the device, such as adding video recording capability to the first generation Apple iPhone's still shot only camera. If the proposed exemption is implemented, then the increasing use of encrypted firmware by manufacturers will not interrupt these, otherwise legal, uses of the hardware.

(6) Regarding Proposed Class of Work 6

Computer programs, in the form of firmware or software, including data used by those programs, that enable wireless devices to connect to a wireless communications network...

As a student and an end user, it is sometimes necessary to use older hardware or hardware purchased from a separate cellular telephone service provider. For example, I have a first generation Apple iPhone. It cannot be used on the T-Mobile cellular network without modified firmware. If such firmware had been, or is, originally encrypted, it would not be legal to reinstall the modified firmware in such cases as a catastrophic software failure or resale of the device without an existing exemption. With the proposed exemption continued, it will allow these, otherwise legal, activities to continue.

(10) Regarding Proposed Class of Work 10

Legally acquired digital media (motion pictures, sound recordings, and e-books) for personal use and for the purposes of making back-up copies, format shifting, access, and transfer.

As an end user, I purchased HD-DVDs while the high definition (HD) medium for the industry had yet to be standardized. The supply of playing hardware for HD-DVDs is swiftly disappearing as there are no longer any manufacturers of this hardware. With the proposed exemption in place, I would be legally allowed to copy the content of these HD-DVDs to the industry standard Blu-Ray medium. If the content on these HD-DVDs had not been encrypted, this would be a legal use of the works, however, due to the encryption, an exemption is required in order to accomplish this task. In a minority of cases, such exemption is necessary to preserve the HD content that will otherwise be lost forever since no other copies exist.