

Note: Please submit a separate comment for each proposed class.

This is a Word document that allows users to type into the spaces below. The comment should be no more than one page in length (which may be single-spaced but should be in at least 12-point type). The italicized instructions on this template may be deleted.

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

Item 1. Commenter Information

Juan Pablo Zapata Díaz

Item 2. Proposed Class Addressed

Class 19: Jailbreaking – videogame consoles

Item 3. Statement Regarding Proposed Exemption

I support an exemption for jailbreaking game consoles on the grounds that this would end the discrimination from console manufacturers against users who jailbreak their purchased product. Unlike mobile devices that are jailbroken, users who jailbreak their videogame consoles are not allowed to purchase software from the platform's online store and even run the risk of being unfairly banned from the manufacturer's services, this forces the user to either purchase redundant hardware or turn to piracy to make use of their product.

At the same time, jailbreaking a videogame console permits for videogame conservation at a small scale. In its current form, videogames receive online updates, online downloadable content, which would be otherwise lost forever when the product is pulled from the online store either due to licensing issues (which is very common) or because of the bankruptcy of the publisher (which can easily occur as well). A jailbroken console would allow the extraction of the BIOS, the downloadable content, game updates, ensuring full preservation of the product, which is a cultural representation of the time in which it was release and could be meaningful for future generations.

A jailbroken console would at the same time enhance the functionality of the console for the user, increasing its value. Emulators and other software in jailbroken consoles become available and enables said enhancements that the manufacturer would have never added, as it was the case with the PlayStation 2 and software that enabled the use of USB flashdrives to save files on it.

The custom firmware (CFW) that would be allowed with jailbroken devices would offer incentives and competition to the manufacturer to enhance their official firmware with features that would otherwise would not be done. For example, Amazon recently updated their Amazon Fire TV with the functionality to use USB storage support, due to increased demand and because the feature was available in jailbroken consoles. At the same time it would prevent manufacturers to impose monopolies on their own product lines, as the case is with Sony's PlayStation TV product which are compatible only with proprietary memory cards, which are priced double than the equivalent non-proprietary USB memories.

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