

Charles Shapiro

On making circumvention of cell phone software digital rights management illegal ( section 5)

Making circumvention of cell phone DRM illegal is useless and counterproductive.

---

I am a professional software engineer who depends on my ability to study, understand, and if necessary break the devices which I use to make my life better. I have a strong background in Open Source software, and I am moving into smartphone development. It's critical to me to be able to install a whole new operating system on my phone, and to be able to get around any obstacles which its makers or those who provide services for it have put in place to prevent this. In order to develop new applications on a smart phone I must have complete control of the device, and petitioning or paying strangers for this is not in my budget.

I have just repaired an old Android phone with a broken screen to use as a development device. The original owner had discarded it. Since it's for development only, it lacks a SIM card ( the identity card which makes it possible to make phone calls ). This hardware would never have been repaired unless I could control it completely. If it had locks put in place to prevent me from using it without someone else's approval, it would have been useless to me and everyone else. If it is illegal to circumvent digital protections on this device, then my chances of being able to make it into what I need are much smaller.

In a larger sense, everyone has the right to do whatever they wish with the hardware they have purchased. You can enact laws to prevent this, but that is as useful as king Canute trying to hold back the tide. The only thing such laws are guaranteed to do is fill the landfills with useless machinery and waste peoples' time.