

January 26, 2012

As a computer user, one-time web site developer, and constant computer hobbyist/tinkerer/enthusiast of nearly 30 years, I understand the desire of software developers and hardware manufacturers to control their products. On the other hand, as a long-time computer user, it is common practice for these same developers and manufacturers to allow their creations to be modified to better suit the user (e.g. plugins for Microsoft Office, expansion/upgrade cards for PCs, etc.).

Modification and tweaking of hardware and software is not only desirable for individual users, it pushes advancements in technology, leads to more sales of the modifiable product and creates a larger market for developers of add-on products. All these things stimulate the economy. In the real-world, these are long-established expectations that speak to the user's need to modify something they have purchased/licensed to help them accomplish their tasks more efficiently, particularly when the said products are missing useful features that can enhance the user experience.

Jailbreaking is about allowing interoperability for applications and falls within common sense guidelines of "fair use" of an operating system. The efforts to restrict jailbreaking are, in my opinion, primarily based on the desire to hold a monopoly on the sales of accessory products for purely business reasons (e.g. a 30% share of the sale price of any product sold via the Apple App Store) and is for all practical purposes unrelated to copyright protection. As an analogy, imagine Ford requiring that their customers only purchase gasoline, stereos, GPS units, child car seats, or accessory lighting from Ford stores and only have their cars repainted using Ford-manufactured paint. One may argue these modifications may change the design of a vehicle, create safety issues, or even create warranty issues, but a person who has purchased a vehicle from Ford does not have such concerns because modifying a car in such a way does not infringe upon any design copyright, is considered a "fair use" of the product purchased and would, in any case, be seen as a clear case of restricting common sense consumer rights.

I support jailbreaking exemptions for both smartphones/tablets (**class 5**) and video game consoles (**class 3**). In my family we own two iPhones, two iPod Touch devices, one iPad and a Nintendo Wii. I want the confirmed legal right to jailbreak these devices. I will address the Apple devices specifically as they are my main concern, but the same principles carry over to video games as well.

Jailbreaking is important to me to expand upon the features and customizability that Apple artificially imposes on the devices I own. Through applications available outside the App Store, I can:

- Use “tethering” to create a wi-fi hotspot for my laptop or my son’s iPod using my phone;
- Add shortcuts to functions that I use regularly, saving me the time and effort of having to quick applications and navigate a multilevel settings menu;
- Address security concerns (e.g. the 2011 PDF security exploit was patched first by outside developers and available for jailbroken devices well before Apple fixed it);
- Allow me to donate money to worthwhile non-profit organizations;
- Expand basic interface functionality, such as allowing more than 12 applications in one folder, which is a significant organizational improvement for anyone with lots of apps or games;
- Provide multi-tasking and task switching for devices that are functionally capable, but restricted by the OS. This allows one to do such basic things as copy-paste of usernames and passwords into web sites, which is impossible when the web browser closes during a switch to another application that holds the login info. Other basic tasks, such as quickly responding to a text message without closing a running app are then possible;
- Customize the look of my device with themes, including sounds and icons.

I think you will agree that such functionality does

I thank you for your time and hope you will consider my points in your decision.

Sincerely,
Paul Tetu