

## To the Copyright Office

Class For Comments: 5 for smartphones or tablets

4 for personal computing devices

I am writing to express my support for legal protection of consumers' right to "jailbreak" their smartphones (like iPhone 4), tablets, and other computing devices (like the iPad).

I am an educator - I teach graduate psychology classes to future health care professionals. I am not a computer hacker, terrorist, or thief. I have found my iPad to be extremely helpful to me in my work for a variety of purposes - managing contacts and calendars, grading papers, and creating/reviewing teaching materials. Much of this can be done with apps available through iTunes/Apple. However, there are a number of tools that are not. For example

- I have an app for jailbroken devices called Lockscreen, which shows my current appointments, messages, unread emails... as soon as I power on the device, which I find to be very helpful in organizing my day. While the latest version of the iPad/iPhone operating system *now* includes the new Notification Center, I have been using this app for jailbroken devices *for over three years* before Apple made this available.
- I have another app for jailbroken devices called Xpander that allows me to use abbreviations across all email, notes, word processing, etc... apps. I have another that adds another row to the onscreen keyboard to add the punctuation and special symbols I like to use. While iTunes/Apple has applications that can mimic a few of these features, they work only in limited applications, whereas apps for jailbroken devices work in every application. I find these apps save me time typing and make me more productive.
- I have another app for jailbroken devices called AutoSilent that automatically silences my phone during classes and meetings. I have not found any app from iTunes/Apple that does this for me automatically. I have found this app very useful, as I do not want students using their phones during class or the class being disrupted by phone calls, and so I should "practice what I preach" and this app makes it very easy for me to do that.
- I have another app for jailbroken devices that lets me set the default browser for my device to something other than Safari. I have not found any app from iTunes/Apple that does this for me automatically. I have found this app very useful as the web software my school uses to design websites as companions to our classes (eCollege) is not very compatible with Safari (and Apple acknowledges this in many help request postings in its forums).

As you see, the apps I run are not designed to steal free wifi, download movies and music I haven't paid for, or spoof my caller ID so I can earn money as a telemarketer. These apps simply allow me to customize my iPad/iPhone devices to better accommodate my own work preferences and improve the day-to-day usefulness of these devices for me.

*Restricting my ability to use such apps does not hurt Apple* - I will point out that two of the apps I describe above have been mimicked in recent updates to Apple's software. Such apps, and their popularity, let Apple know about features that users would like to have.

*Making it illegal for me to use the apps I want with my device hurts me* by making the device less helpful to me. It's no different than auto manufacturers trying to convince you that it should be illegal for car owners to install GPS devices or cup holders that the auto manufacturer did not produce, or allow someone other than a car dealership to paint the car.

*Making it illegal to jailbreak devices hurts small business owners* by preventing programmers from designing and selling software Apple would rather produce and force users to buy. The three named apps above for jailbroken devices are for sale, and I purchased all three because the programmers who made them provided something I wanted that Apple did not.

This is how capitalism works.

Richard Niolon

January 27, 2012