

Rosangela Canino-Koning

Class of Work: 3, 4, and 5 – DMCA exemption for Cellular Phones, Tablets, Gaming Consoles, and All Other Computing Devices

Summary:

- Computers have enjoyed unrestricted use privileges since their invention. Cellular Phones, Tablets and Gaming Consoles are computers in everything but name, and should enjoy the same privileges and protections.
- Renewing the DMCA exemption for Cellular Phone jailbreaking, and extending the exemption to all computing devices including Tablets and Gaming Consoles will provide economic and social benefit to ALL people (including corporations) by:
 - Encouraging innovation
 - Expanding technological adoption
 - Accessing new markets
 - Providing greater access to information
 - Lowering costs of devices and expanding access to the Internet.

Comments:

I am a private citizen writing to ask that the Copyright Office renew the Jailbreaking exemption to the DMCA for Cellular Phones, and extend that exemption to ALL personal computing devices, including Tablets and Game Consoles.

For all of human tool-using history, people have OWNED their tools, and have been free to use them for tinkering, creation, and invention, in whatever way they saw fit. With the personal computer revolution of the eighties, this tradition of tinkering and invention created a great wave of new technology and scientific advancement. Further, with mass adoption of the Internet, the world has become greatly connected, and people are free to express and invent in ways never before imagined. For many years, the personal computer ruled the roost in this interconnected world, but over the past ten years, Cellular Phone technology has advanced to the point where, for all intents and purposes, phones have become general purpose computing devices. They run operating systems that are closely related to those commonly found on personal computers, and run applications just like computers, only in a very convenient, portable package. The benefit and potential of this kind of technology is staggering. Cellular Phones have become in most ways the equal and peer of personal computers.

In 2010, in acknowledgement of this new reality, the copyright office announced an exemption to the DMCA to allow users to freely "jailbreak" cellular devices in order to run the applications they chose, and operate their handheld computers how they saw fit, without corporate control. This brought the cellphone into the same legal arena as the personal computer. The effect was immediate. This decision created and encouraged an

explosion of innovation in the arena of cellular computing software that has benefited everyone, including the very cellphone manufacturers who opposed this exemption.

Now, the time has come for the Copyright Office to re-examine the question of whether Cellular Phones should continue to be treated like personal computers, and to evaluate whether their 2010 decision was the right one. There is no question in my mind that it was the right decision. Further, there are other classes of computing devices with the same capacity and potential as cellular phones and personal computers, whose free use has so far been unprotected. Specifically, I refer to gaming consoles such as the Sony Playstation 3 (which can natively run Linux, a full-fledged personal and server operating system), and tablet devices such as the Apple iPad, which is much more of a personal computing device than even the Apple iPhone was. All of these devices deserve the same privileges currently afforded to personal computers. The economic benefits to companies and individuals are obvious and many, and the negatives are limited to bruising the egos of some corporate actors.

Some large corporations such as Apple, Sony, and AT&T have been loath to give up control over these personal computing devices, and always for questionable reasons of corporate profit. This opposition is demonstrably shortsighted. The very corporations that oppose jailbreaking have seen significant indirect benefits to their businesses from people using their devices in new and interesting ways, and developing new software and technology that these corporations can adopt.

Shortsighted interests should not be permitted to stifle technological development and restrict the rights of users. Just as environmental and consumer product regulation stands with the people's interests against that of the corporations, the copyright office should also stand for consumers rights in matters relating to free use of technology. Please renew the DMCA jailbreaking exception for Cellular Phones and extend it to all personal computing devices, and allow technology to flourish.

Sincerely,

Rosangela Canino-Koning