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RE: DMCA Exemption Request 5

I am an end user in support of jailbreaking both smartphones/tablets and video game consoles, but more especially smartphones/tablets. Devices that I currently own that I jailbreak and would like my right to do so be protected are Apple iPhone, Apple iPod touch, Apple iPad, Nintendo Wii, and Sony Playstation 3. What I discuss here will center around Apple as an example but it applies equally to Nintendo and Sony's devices.

As an end user, there's a myriad of reasons I jailbreak my devices but most of them boil down to progression of technology and enhancement of user experience. While the device manufacturers do a great job putting out a good product, there's so much untapped potential that they literally just don't have the capacity to see. No one can think of everything. One person's creativity sparks another's and a good device can become great and amazing as functionality is added, ease of use enhanced, and new interfaces explored. Many of us who jailbreak can no longer see our devices without it because of this. They are incomplete with these enhancements and additions; we "can't live without them."

In fact, so many of the tweaks and added features are so good that the device makers then incorporate their own version of them into subsequent public software updates. Case in point are Apple's iOS 4 and iOS 5 updates. A great many of the flagship features of those releases were pioneered by the jailbreak community. Application folders, photo backgrounds, multitasking, unobtrusive alerts and notifications, Notification Center, additional commands for voice control, custom ring and text tones, wireless syncing, and more.

Many of these were available years before Apple rolled them into iOS but were not available without jailbreaking. Even the App Store itself was preceded by a jailbreak equivalent. There are currently a great many more tweaks and enhancements currently in widespread use that Apple has not adapted to the main OS that many feel they could in the near future. Again, these new features are available now but literally cannot be installed without the device being jailbroken. Some involve immediate access to messaging functions from anywhere, quick access to device settings such as display brightness and toggling Bluetooth, additional information readily displayed in the Notification Center through widgets, enhancements to Apple's Siri assistant, and more.

Apple also essentially gets thousands of hours of R&D and beta testing for free by keeping tabs on the jailbreak community. Most of the new ideas evolve over time and often multiple implementations can appear and compete with each other for popularity

until one becomes dominant, and that's usually the one Apple uses and tweaks to make their own for the official release. Apple and its hundreds of millions of customers benefit immensely from the pioneering creative spirit of the jailbreak community. And many don't even know. A lot of this also trickles over to Android and other operating systems as well as these ideas are not limited to one device, as is the nature of technology.

But the way these devices are currently locked down, there is no way for these advancements to be distributed, installed, or even developed. It is literally impossible to do without circumventing Apple's restrictions and control over the OS. Now, these restrictions are not bad and in many ways are part of what makes the iOS ecosystem so attractive to a great many users as it cuts their worry of device management and security down to near zero. But the right to choose to jailbreak a device to experience and participate in the wealth of vision and inventiveness needs to be protected.

We've only scratched the surface of the possibilities that lie ahead of us with such powerful machines in our hands and in our living rooms. Without the right to freely pursue those possibilities without fear of legal recourse, innovation will be severely stifled. Not only would it hurt the already expansive jailbreak community but also the hundreds of millions of others who don't jailbreak but reap the benefits down the line unwittingly.

The right to jailbreak must be protected.