

*Note: Please submit a separate comment for each proposed class.*

*This is a Word document that allows users to type into the spaces below. The comment should be no more than one page in length (which may be single-spaced but should be in at least 12-point type). The italicized instructions on this template may be deleted.*

## **Short Comment Regarding a Proposed Exemption Under 17 U.S.C. 1201**

### **Item 1. Commenter Information**

*Identify the commenting party and, if desired, provide a means for others to contact the commenter or an authorized representative of the commenter by email and/or telephone. (Please keep in mind that any private, confidential, or personally identifiable information in this document will be accessible to the public.)*

My name is Fatih Gencer and I live in Sacramento, California.

### **Item 2. Proposed Class Addressed**

*Identify the proposed exemption that the comment addresses by the number and name of the class set forth in the Notice of Proposed Rulemaking (e.g., "Proposed Class 7: Audiovisual works – derivative uses – noncommercial remix videos").*

Proposed Class 19: Jailbreaking – video game consoles

### **Item 3. Statement Regarding Proposed Exemption**

*Explain why you support or oppose the relevant proposed exemption.*

I support this proposed class. If I buy a car, the car company can't tell me I cannot modify it for better performance. So why should a video game company be able to tell me what I can do with a video game system I purchased?

I bought a Sony Playstation 3 in 2008 to play games and do computing on. For your information, the Playstation 3 originally supported installing Linux operating systems on it, meaning users could use the Playstation 3 as a computer (we could connect a keyboard and mouse and everything). Several years later Sony decided to discontinue this feature via a firmware upgrade, thus removing part of the system's functionality and devaluing the system. What's more, several newer games required the newer firmware to be installed on the Playstation 3 to operate. As a user, I had to choose between retaining the old functionality and being able to play newer games. Consumers should never be forced to make such a decision. Jailbreaking might have allowed developers in the community to come up with a middle-ground solution that would have allowed both functionalities to co-exist.

I think that by blocking jailbreaking, video game console manufacturers are trying to assert rights they don't have over a product they sold: It is my hardware. I bought it. I have the receipt for it. Once the exchange of product and money has occurred, why should they be able to tell me how to use the system or what I can run on the system? If I want to jailbreak my video game console to use custom software for whatever reason, either to add functionality or fix some flaw in the system, that should be my decision.

PRIVACY ACT ADVISORY STATEMENT Required by the Privacy Act of 1974 (P.L. 93-579)

The authority for requesting this information is 17 U.S.C. §§ 1201(a)(1) and 705. Furnishing the requested information is voluntary. The principal use of the requested information is publication on the Copyright Office website and use by Copyright Office staff for purposes of the rulemaking proceeding conducted under 17 U.S.C. § 1201(a)(1). NOTE: No other advisory statement will be given in connection with this submission. Please keep this statement and refer to it if we communicate with you regarding this submission.