

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

Item 1. Commenter Information

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This comment is filed by the Free Software Foundation, a charitable corporation founded in 1985. The Foundation is the largest single contributor to the GNU operating system (used widely today in its GNU/Linux variant). The Foundation's GNU General Public License is the most widely used free software license, covering major components of the GNU operating system and tens of thousands of other computer programs used on hundreds of millions of computers around the world.

Item 2. Proposed Class Addressed

Class 15: Computer Programs—3D Printing

Item 3. Statement Regarding Proposed Exemption

The GNU/Linux operating system has become one of the most widely used operating systems on the planet. The GNU System and the kernel Linux are called free software because users are free to study, share, and improve the software. Those who promote free software believe that controlling one's own computing should be a universal right.

Digital restrictions interfere with the ability to enjoy these freedoms. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous and instead any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software and instructions for circumventing access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

Copyright law is meant to protect the original expression of authors, not enforce a business model based around forcing users to buy products from a particular company. There is no justification for allowing companies to use the Digital Millennium Copyright Act to lock users into buying any particular product, whether it be material for 3D printers or accessories for other devices. The limited exemption previously granted showcases the unfairness of the current exemptions process, where even when advocates succeed in gaining exemptions, they cannot be put to full use as they are too narrow and complicated to understand. The exemption should extend to all works on all devices, and to all users, as well as to the sharing of tools needed to make circumvention possible.

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