

I am writing today, because it has been brought to my attention that certain smartphone and tablet manufacturers are complaining that Jailbreaking or Rooting their product, is against Section 1201 of the DMCA.

All manufacturers' state when you purchase their device, whether it is a smartphone or tablet computer, that any and all modification(s) to their product voids any manufacturer warranty and the manufacturer is not held liable for any damage caused to said device from the modification(s).

ROOTING:

Rooting, in this case referring to any Android device, allows the owner to improve the performance and possibly the stability of the operating system that Google, Inc. released as an Open-Source system. This being said, not allowing an owner to Root their Android device will eventually make all Open-Source programs, disappear.

According to an article on Wikipedia: In production and development, **open source** is a philosophy,^{[1][2]} or [pragmatic methodology](#)^[2] that promotes free redistribution and access to an end product's design and implementation details. Opening the source code enabled a self-enhancing diversity of production models, communication paths, and interactive communities.^[4]

Having smartphones and tablets today, running Open-Source systems, allows the end user to not only learn how to improve the system, but the ability to make those improvements and publish as his/her own work.

I, personally, have learned a lot about the Linux and Android systems recently because I rooted my smartphone. By doing this, I chose to accept full responsibility of my smartphone that I purchased. If anything were to break on the phone, I understand that I would have to purchase a new phone for full retail price.

[1] <http://www.ubuntu.com/project/about-ubuntu/our-philosophy>

[2] <http://source.android.com/about/philosophy.html>

[4] The complexity of such communication relates to [Brooks' law](#), and it is also described by [Eric S. Raymond](#), "Brooks predicts that as your number of programmers N rises, work performed scales as N but complexity and vulnerability to bugs rises as N-squared. N-squared tracks the number of communications paths (and potential code interfaces) between developers' code bases." — "[The Revenge of the Hackers](#)". 2000.

JAILBREAKING:

Jailbreaking is for any iOS device on the market. This pertains to all iPhones, iPod Touches, iPads, and 2nd Gen Apple TVs. By jailbreaking an iOS device, it allows the user to install third party applications on their devices. These applications, not authorized by Apple, could help improve speed, battery life, and overall performance .

According to an article on Wikipedia; Unlike rooting an Android device, jailbreaking is necessary if the user intends to run software not authorized by Apple. Under the Digital Millennium Copyright Act, jailbreaking iPhones is legal in the United States, although Apple has announced that the practice "can violate the warranty".^[1]

When a user Jailbreaks an iOS device, it is to bypass Apple's censored App Store. Most software found for iOS devices are extensions to improve software response, applications that allow donations to non-profit organizations and charities, all of which, Apple had banned from their App Store, including the Pulitzer Prize-winning cartoonist Mark Fiore, who had created an app that, according to Apple "ridiculed public figures.

I, personally, am not against an iOS device owner Jailbreaking their device simply to improve functionality. For example, in November 2009, a 21-year-old Australian technical college student created the first iWorm, iKee. This iWorm was for all Jailbroken iOS devices on the market and showed each owner, how vulnerable they are. Before Apple could release a patch for this exploit, the JailbreakMe 3.0 developer, released a fix and ensured many Jailbroken iOS users, their data was secure.

[1] Leander Kahney (July 26, 2010). "[Apple's Official Response To DMCA Jailbreak Exemption: It Voids Your Warranty](#)". Cult Of Mac. Retrieved October 26, 2011