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Class of works: 5 (mobile phones and tablets)

Summary: Make the allowance of jailbreaking and rooting permanent.

As an end-user of both Android mobile phones and tablets, I am dismayed to learn that the DMCA exemption for loading firmware that the user chooses may expire. Telephone vendors habitually delay or defer releasing firmware updates, thus making hardware that is still very servicable into an orphan product. Cases in point: the Virgin Mobile LG Optimus V handset is still very usable yet neither LG nor Virgin Mobile are actively deploying the latest Android software releases for it. After-market development of firmware updates, like Cyanogenmod, keep this hardware running in good condition, providing better performance than the phone provider's own firmware and keeping up with security updates that the vendor allows to slide.

Prohibiting users from updating their own phone firmware is clearly, in the case of Android, a security liability. End users must be allowed to continue replacing stock firmware without running afoul of the DMCA.

Another case in point: the HP TouchPad tablet, which consists of up-to-date hardware but whose operating system and hardware support have largely been orphaned by HP, who discontinued production of the entire product family. Again after-market firmware development have allowed this product to run the Android operating system, keeping it usable for years to come.

End users must be allowed to continue updating firmware to keep current with software releases.