

Jailbreaking Personal Computing Devices

I'm writing to request an "exemption" to an ostensible DMCA section 1201 prohibition against jailbreaking my own phones, tablets, ebook-readers, and personal computers.

As a user, an academic, and an independent software developer, I need the unrestricted ability to write software for my devices. Here are a few of the broad categories of uses I make of this ability:

1. Testing applications I write.
2. Fixing bugs in existing applications.
3. Testing alternate operating systems.
4. Running improved versions of the existing operating system.
5. Removing any vendor-installed software that I do not need and which takes up space on my device that I need for other purposes.

The above are broad categories of uses. Here is a specific example. I recently bought a Nook[®] Simple Touch[™]e-reader. It has a very nice feature called "Shelves" which lets one organize one's e-books. However, to shelve user-installed e-books (books one already owns, for example) one needs to manually shelve each individual book rather than being able to automate the process. If one owns, say, 1,000 e-books, this is a significant inconvenience.

This clearly has nothing to do with copyright since users can read any kind of e-book, copyrighted or not, on this reader. We simply cannot put our already-owned books on a virtual shelf. This is either a bug or an attempt by the vendor to encourage repurchase of already-owned e-books (since books purchased from the vendor, Barnes & Noble, can be shelved automatically upon purchase).

Having jailbroken my e-reader, I was able to study its software internals and write a program to automatically create a shelf for each author. If the vendor were able to block me from jailbreaking the device, I would be significantly inconvenienced even though I'm violating no copyright at all.

A jailbreaking ban would be anticompetitive, would not protect copyright, would prevent consumers from running better software, and would violate consumers' property rights. I hope you will see your way to making this exception permanent for smartphones, tablets, e-readers, and any other personal computing devices.