

I support the ability of individuals who buy electronic devices such as iPhones, other smartphones, tablets, computers and other devices consisting of computing and information processing hardware and operating system software and application software to remove elements of the software as they like to enable them to use the devices as they wish. Manufacturers should have no right to prevent them from doing so or even to configure software revisions that prevent such activity. Further the manufacturers should not be allowed exert what amounts to dominating market power in such a way that they coerce users into agreeing with such restrictive terms or the device is not to be sold to the user.

Allowing such freedoms would allow a user, for example, to use the device's underlying operating system but replace the web browser with one of their own construction, other features, or from a competitor of the device manufacturer or it would allow the user to view licensed media content in a format otherwise "not supported" by the original device manufacturer.

I am not advocating the use of this freedom to violate the law, including DMCA. However, it should be lawful in general for device owners to modify devices they own to be used in any lawful way they see fit. This may involve violating warranty terms (which is fine) and might expose the device to higher levels of risk regarding computer viruses, etc. These are risks many people would gladly accept.

I am also aware that allowing devices to be "rooted" in the way described raises risks for the owner. However taking such risks, which include impaired functionality or risk of computer virus, should be completely allowed. Device makers should not be allowed to inhibit the modification of devices by their true owners in the name of security, either.

This situation is reminiscent of the time Microsoft was (appropriately) prevented from bundling its web browser (Internet Explorer) as the default as part of the Windows operating system install. The result of that ruling was a significant wave of innovation that also resulted in more effective security systems for web browsers, more innovation and more competitors. In the present case the problem is worse because the market dominating device maker is also the market dominating operating system provider and controls through excessive market power what apps (mini applications) the devices are allowed to run. Such behavior is anticompetitive, paternalistic and inhibits innovation and expression of creativity. A far better solution is to allow market dominating manufacturers to "endorse" configurations that minimize risk of viruses and allow a unified customer experience that meets their (restrictive) standards, while also allowing and even enabling users to remove and replace sections of the software as they see fit. If this means their software needs to become more modular and accessible, so be it.

Perhaps it is time to discuss breaking up the "Bad Apples" of the smart device world to divest them of market dominating control of supply chain, hardware sales, operating systems, applications and content (such as music, magazines and books). Instead of Baby Bells, we'd have Cortland (i)Pads, Granny-Smiths (i)Phones, Pippin (i)Tunes, Macoun (i)Mags, Opalescent (i)OS and Delicious (i)Apps. Now that some device companies are

worth more than even the largest oil company and telephone companies ( even years after their breakups), the anti-competitive eye of the world needs to be trained on them.

I speak only for myself and my family. I do not represent the interests of my employer in this matter.

Thank you for your understanding and consideration.

-Roe Hemenway.

6 Linden Lane

Painted Post

NY 14870