

1. Commenter's name: Wayne Stidolph
2. Class of works: 4, 5

With respect to Class 5:

Summary re Class 5: Unlockable devices counteract closed distribution channels controlled by a single entity, thus encouraging development of innovative content .

I am an owner of an Android smartphone, and a professional software developer; I intend to develop for the Android platform (and have started such development). I held back from developing for the Apple devices because of the uncertainty I saw in other developers about whether their products would be distributable, due to the channel control exercised by Apple; the fundamental openness of the Android ecosystem sufficiently reduces my risk of being locked out of the platform's distribution channels for arbitrary reasons, and so encourages me to participate as an author.

The risk is particularly high when the content is somehow overly innovative or competes with products from the controlling entity, or violates "style" preferences of the controlling entity (For example, development of alternative input mechanisms for Apple phones is restricted by the non-distributability of alternatives due to Apple's policy.)

The ability of device owners to "unlock" the devices is what lets them be sure they might access alternative distribution channels if need be, and this serves both to (1) restrict the control attempted by the controlling entity (Google, in the Android case) and (2) enlarge the audience by removing that barrier to adoption. So, the ability of all users to unlock (even if they don't choose to do so) is core to my expectation of access to the audience, and thus is essential to my motivation to participate as an author in that marketplace.

It isn't that I want to write software that needs root access: it is that the ability of the end user to gain root access is a marginal effect which induces me to participate in the market.

In a personal sense, I have a phone which is "end of life" (the HTC Evo 4G on Sprint) and I need to install Google's Android 4 operating system on it to use (and develop for) the new version. Doing this requires the device be unlocked.

With respect to Class 4:

Summary re Class 4: As other devices converge with smartphones, the same policies should apply to each.

As device capabilities and connectivity increase, they become more and more overlapping in core aspects what they do (though remaining different in user interfaces, controls, maximum capabilities, etc): content is being delivered through more devices; e.g.,

- TV through phones and game consoles
- internet access through TVs and game consoles
- games through phones and game consoles, etc)

As the devices converge, the argument which applies to smartphones correspondingly applies to other devices: to stimulate creation of innovative content, the author needs to know that distribution channels will remain open, even for works or speech to which the device manufacturer or network operator objects. I therefore support of an the exemption request proposed by the [Software Freedom Law Center](#) to allow jailbreaking of "personal computing devices."