

I am writing this comment in response to the exception in DMCA concerning jailbreaking of smartphones that is about to expire. It should be renewed and be expanded to include tablets because the only fundamental difference between most modern tablets and modern smartphones are their size and processing power. Furthermore, an additional exception should be added to include video game consoles as well because they too are nothing more than powerful dedicated computers.

Before I get further into my argument I would like to tell you about myself and establish my credibility. I'm an IT professional for a small business and also work as a programmer and developer. I have intimate knowledge about the devices in question and the world of technology. As well as being a professional I am an enthusiast and keep track of markets and devices that do no effect my company. I know what is going on in the world of tech.

Now the first thing we should consider is an analogue of the situation. If an American consumer purchased a car and decided that he/she did not like the engine for one reason or another they could replace the engine with one that better meets their needs or wants. This would not be illegal because it is their property. Even more if this consumer were a car enthusiast and decided to build the engine themselves again it would not be illegal. However, if that same customer purchases a smartphone and decides that they don't like the operating system, the software engine that drives the device, and decides to change it with a different one, that would be illegal without these exceptions. The amazing thing is that with the car something is physically being removed and replaced, whereas in the case of the device digital code it being replaced; there is no physical changes being made at all and code can always be returned to its original state. So the question I pose is where is the crime in modifying one's personal property?

There are many reasons and benefits to jailbreak a device and very few benefits to not allowing it. The U.S. Army has jailbroken hundreds of game consoles and daisy chained them together to create one of the most cost effective supercomputers in history. Developers use jailbreaking to create new software and operating systems. Most devices are capable of higher level computing than their programming will allow and jailbreaking allows a user to leverage the full capability of their property. I could go on and on about what someone can do with jailbreaking but lets look at what restricting jailbreaking does. It only benefits the corporations that produce these devices. By having the power to limit devices and what software goes into the device. The fact is there are many programmers that are capable of creating the same application. A company like Apple could not allow a free app that does the same thing as one of their paid apps in order to insure that they get the business. As well as other permutations such as if someone submits an app to Apple for the App Store and it gets rejected by Apple, several months later when the next version of iOS came out it contained a new app that did the same thing and even featured a very similar icon.

Basically making jailbreaking illegal hurts the consumer and helps corporations make more money. There is no reason to not allow jailbreaking. If it is not illegal to modify other types of property than why is it illegal to modify electronics?