

Comment Regarding a Proposed Exemption Under 17 U.S.C. 1201

Item 1. Commenter Information

Donald Robertson, III
Free Software Foundation, Inc.
51 Franklin Street, Fifth Floor
Boston, MA 02110-1335
licensing@fsf.org

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Item 2. Proposed Class Addressed

Proposed Class 1: Audiovisual Works—Criticism and Comment

Item 3. Statement Regarding Proposed Exemption

The GNU/Linux operating system has become one of the most widely used operating systems on the planet. The GNU System and the kernel Linux are called free software, because users are free to study, share, and improve the software. This approach to software sharing and collaborative improvement has resulted in an incredibly powerful operating system, used everywhere from the International Space Station, to the US Department of Defense, to laptops used by millions. There is no longer any doubt that digital restrictions are totally unnecessary to achieve the socially beneficial purposes envisioned by copyright law. In fact, the continued existence of digital restrictions only hampers software development and cultural production, and amounts to a government subsidy for companies following outmoded and unethical practices.

Those who promote free software believe that controlling one's own computing should be a universal right. Digital restrictions interfere with the ability to enjoy this right. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous, and instead, any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software, and instructions for circumventing

access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

With regard to this particular exemption, all users have a legitimate right to circumvent controls on audiovisual works, regardless of the medium or the particular use involved. Limiting exemptions to particular users, or to narrowly defined uses, harms everyone, even those who may fall under existing exemptions. When the exemptions are too complicated for most users to understand, they have a chilling effect on anyone who would wish to make legitimate study, commentary, or criticism on audiovisual works. The exemption should extend to all audiovisual works and all users, as well as to the sharing of tools needed to make circumvention possible.

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Item 2. Proposed Class Addressed

Proposed Class 2: Audiovisual Works—Accessibility

Item 3. Statement Regarding Proposed Exemption

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Those who promote free software believe that controlling one's own computing should be a universal right. Digital restrictions interfere with the ability to enjoy this right. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous, and instead, any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software and instructions for circumventing

access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

With regard to this particular exemption, all users have a legitimate right to circumvent controls on audiovisual works, regardless of the medium or the particular use involved. Limiting exemptions to particular users or to narrowly defined uses harms everyone, even those who may fall under existing exemptions. When the exemptions are too complicated for most users to understand, they have a chilling effect on anyone who would wish to circumvent controls for the purpose of accessibility. The exemption should extend to all audiovisual works and all users, as well as to the sharing of tools needed to make circumvention possible.

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Item 2. Proposed Class Addressed

Proposed Class 3: Audiovisual Works—Space-shifting

Item 3. Statement Regarding Proposed Exemption

The GNU/Linux operating system has become one of the most widely used operating systems on the planet. The GNU System and the kernel Linux are called free software, because users are free to study, share, and improve the software. This approach to software sharing and collaborative improvement has resulted in an incredibly powerful operating system, used everywhere from the International Space Station, to the US Department of Defense, to laptops used by millions. There is no longer any doubt that digital restrictions are totally unnecessary to achieve the socially beneficial purposes envisioned by copyright law. In fact, the continued existence of digital restrictions only hampers software development and cultural production, and amounts to a government subsidy for companies following outmoded and unethical practices.

Those who promote free software believe that controlling one's own computing should be a universal right. Digital restrictions interfere with the ability to enjoy this right. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous, and instead, any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software and instructions for circumventing

access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

With regard to this particular exemption, all users have a legitimate right to circumvent controls on audiovisual works, regardless of the medium or the particular use involved. Limiting exemptions to particular users or to narrowly defined uses harms everyone, even those who may fall under existing exemptions. When the exemptions are too complicated for most users to understand, they have a chilling effect on anyone who would wish to shift audiovisual works from one device to another or simply to another format. The exemption should extend to all audiovisual works and all users, as well as to the sharing of tools needed to make circumvention possible.

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Item 2. Proposed Class Addressed

Proposed Class 4: Audiovisual Works—HDCP/HDMI

Item 3. Statement Regarding Proposed Exemption

The GNU/Linux operating system has become one of the most widely used operating systems on the planet. The GNU System and the kernel Linux are called free software, because users are free to study, share, and improve the software. This approach to software sharing and collaborative improvement has resulted in an incredibly powerful operating system, used everywhere from the International Space Station, to the US Department of Defense, to laptops used by millions. There is no longer any doubt that digital restrictions are totally unnecessary to achieve the socially beneficial purposes envisioned by copyright law. In fact, the continued existence of digital restrictions only hampers software development and cultural production, and amounts to a government subsidy for companies following outmoded and unethical practices.

Those who promote free software believe that controlling one's own computing should be a universal right. Digital restrictions interfere with the ability to enjoy this right. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous, and instead, any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software and instructions for circumventing

access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

With regard to this particular exemption, all users have a legitimate right to circumvent controls on audiovisual works, regardless of the medium or the particular use involved. Limiting exemptions to particular users or to narrowly defined uses harms everyone, even those who may fall under existing exemptions. When the exemptions are too complicated for most users to understand, they have a chilling effect on anyone who would wish to circumvent controls for the purpose of capturing audiovisual works over HDCP/HDMI. The exemption should extend to all audiovisual works and all users, as well as to the sharing of tools needed to make circumvention possible.

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Item 2. Proposed Class Addressed

Proposed Class 5: Computer Programs—Unlocking

Item 3. Statement Regarding Proposed Exemption

The GNU/Linux operating system has become one of the most widely used operating systems on the planet. The GNU System and the kernel Linux are called free software, because users are free to study, share, and improve the software. This approach to software sharing and collaborative improvement has resulted in an incredibly powerful operating system, used everywhere from the International Space Station, to the US Department of Defense, to laptops used by millions. There is no longer any doubt that digital restrictions are totally unnecessary to achieve the socially beneficial purposes envisioned by copyright law. In fact, the continued existence of digital restrictions only hampers software development and cultural production, and amounts to a government subsidy for companies following outmoded and unethical practices.

Those who promote free software believe that controlling one's own computing should be a universal right. Digital restrictions interfere with the ability to enjoy this right. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous, and instead, any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software and instructions for circumventing

access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

With regard to this particular exemption, all users have a legitimate right to circumvent controls locking users to a particular wireless carrier, regardless of the particular device. When an exemption is tied to the particular device, it slows down the adoption of new technologies while users wait for a new exemption to be granted. The rights of users are the same regardless of whether they are using a tablet, a cell phone, or any other computing device. Limiting the unlocking exemption to particular devices gives wireless carriers an unnecessary power over users that goes far beyond the purposes of copyright law. The exemption should extend to unlocking on all devices, and further to the sharing of tools that enable users to unlock their devices.

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Item 2. Proposed Class Addressed

Proposed Class 6: Computer Programs—Unlocking

Item 3. Statement Regarding Proposed Exemption

The GNU/Linux operating system has become one of the most widely used operating systems on the planet. The GNU System and the kernel Linux are called free software, because users are free to study, share, and improve the software. This approach to software sharing and collaborative improvement has resulted in an incredibly powerful operating system, used everywhere from the International Space Station, to the US Department of Defense, to laptops used by millions. There is no longer any doubt that digital restrictions are totally unnecessary to achieve the socially beneficial purposes envisioned by copyright law. In fact, the continued existence of digital restrictions only hampers software development and cultural production, and amounts to a government subsidy for companies following outmoded and unethical practices.

Those who promote free software believe that controlling one's own computing should be a universal right. Digital restrictions interfere with the ability to enjoy this right. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous, and instead, any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software and instructions for circumventing

access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

With regard to this particular exemption, all users have a legitimate right to circumvent controls in order to “jailbreak” their own devices, regardless of what form that device takes. When an exemption is tied to the particular device, it slows down the adoption of new technologies while users wait for a new exemption to be granted. The rights of users are the same regardless of whether they are using a tablet, a cell phone, or any other computing device. Limiting the this exemption to particular devices gives device manufacturers an unnecessary power over users that goes far beyond the purposes of copyright law. The exemption should extend to “jailbreaking” on all devices, and further to the sharing of tools that enable users to “jailbreak” their devices.

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Item 2. Proposed Class Addressed

Proposed Class 7: Computer Programs—Repair

Item 3. Statement Regarding Proposed Exemption

The GNU/Linux operating system has become one of the most widely used operating systems on the planet. The GNU System and the kernel Linux are called free software, because users are free to study, share, and improve the software. This approach to software sharing and collaborative improvement has resulted in an incredibly powerful operating system, used everywhere from the International Space Station, to the US Department of Defense, to laptops used by millions. There is no longer any doubt that digital restrictions are totally unnecessary to achieve the socially beneficial purposes envisioned by copyright law. In fact, the continued existence of digital restrictions only hampers software development and cultural production, and amounts to a government subsidy for companies following outmoded and unethical practices.

Those who promote free software believe that controlling one's own computing should be a universal right. Digital restrictions interfere with the ability to enjoy this right. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous, and instead, any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software and instructions for circumventing

access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

With regard to this particular exemption, all users have a legitimate right to circumvent controls on their own devices for the purpose of repair, regardless of what form that device takes. When an exemption is tied to the particular device, it slows down the adoption of new technologies while users wait for a new exemption to be granted. The rights of users are the same regardless of whether they are using a motorized land vehicle. Limiting this exemption to particular devices gives device manufacturers an unnecessary power over users that goes far beyond the purposes of copyright law. The exemption should extend to all devices, and further to the sharing of tools that enable users to repair their devices. It should also apply to providing third-party repair services.

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Item 2. Proposed Class Addressed

Proposed Class 8: Computer Programs—Video Game Preservation

Item 3. Statement Regarding Proposed Exemption

The GNU/Linux operating system has become one of the most widely used operating systems on the planet. The GNU System and the kernel Linux are called free software, because users are free to study, share, and improve the software. This approach to software sharing and collaborative improvement has resulted in an incredibly powerful operating system, used everywhere from the International Space Station, to the US Department of Defense, to laptops used by millions. There is no longer any doubt that digital restrictions are totally unnecessary to achieve the socially beneficial purposes envisioned by copyright law. In fact, the continued existence of digital restrictions only hampers software development and cultural production, and amounts to a government subsidy for companies following outmoded and unethical practices.

Those who promote free software believe that controlling one's own computing should be a universal right. Digital restrictions interfere with the ability to enjoy this right. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous, and instead, any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software and instructions for circumventing

access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

With regard to this particular exemption, all users have a legitimate right to circumvent controls in order to preserve video games, regardless of whether that game has multi-player or online functionality. The need to preserve our digital cultural heritage is the same for all video games. Particular functionality of a video game should have no effect on whether users are allowed to preserve it. The exemption should extend to all video games, and should further extend to the sharing of tools users need to circumvent such controls.

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Item 2. Proposed Class Addressed

Proposed Class 9: Computer Programs—Software Preservation

Item 3. Statement Regarding Proposed Exemption

The GNU/Linux operating system has become one of the most widely used operating systems on the planet. The GNU System and the kernel Linux are called free software, because users are free to study, share, and improve the software. This approach to software sharing and collaborative improvement has resulted in an incredibly powerful operating system, used everywhere from the International Space Station, to the US Department of Defense, to laptops used by millions. There is no longer any doubt that digital restrictions are totally unnecessary to achieve the socially beneficial purposes envisioned by copyright law. In fact, the continued existence of digital restrictions only hampers software development and cultural production, and amounts to a government subsidy for companies following outmoded and unethical practices.

Those who promote free software believe that controlling one's own computing should be a universal right. Digital restrictions interfere with the ability to enjoy this right. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous, and instead, any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software and instructions for circumventing

access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

With regard to this particular exemption, all users have a legitimate right to circumvent controls in order to preserve software, regardless of the purpose or functionality of that software. The need to preserve our digital cultural heritage is the same for all works of software. The exemption should extend to all works of software, and should further extend to the sharing of tools users need to circumvent such controls.

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Item 2. Proposed Class Addressed

Proposed Class 10: Computer Programs—Security Research

Item 3. Statement Regarding Proposed Exemption

The GNU/Linux operating system has become one of the most widely used operating systems on the planet. The GNU System and the kernel Linux are called free software, because users are free to study, share, and improve the software. This approach to software sharing and collaborative improvement has resulted in an incredibly powerful operating system, used everywhere from the International Space Station, to the US Department of Defense, to laptops used by millions. There is no longer any doubt that digital restrictions are totally unnecessary to achieve the socially beneficial purposes envisioned by copyright law. In fact, the continued existence of digital restrictions only hampers software development and cultural production, and amounts to a government subsidy for companies following outmoded and unethical practices.

Those who promote free software believe that controlling one's own computing should be a universal right. Digital restrictions interfere with the ability to enjoy this right. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous, and instead, any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software and instructions for circumventing

access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

With regard to this particular exemption, all users have a legitimate right to circumvent controls in order to do security research. The need to understand and improve the security of software and devices does not depend on what the particular software or device is. Users are affected by security breaches regardless of their origin. Limiting the exemption to particular uses provides a guidebook to criminal elements as to what software and devices they can attack without fear of security researchers discovering their methods. The exemption should extend to all works of software and devices, and should further extend to the sharing of tools users need to circumvent such controls.

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Item 2. Proposed Class Addressed

Proposed Class 11: Computer Programs—Avionics

Item 3. Statement Regarding Proposed Exemption

The GNU/Linux operating system has become one of the most widely used operating systems on the planet. The GNU System and the kernel Linux are called free software, because users are free to study, share, and improve the software. This approach to software sharing and collaborative improvement has resulted in an incredibly powerful operating system, used everywhere from the International Space Station, to the US Department of Defense, to laptops used by millions. There is no longer any doubt that digital restrictions are totally unnecessary to achieve the socially beneficial purposes envisioned by copyright law. In fact, the continued existence of digital restrictions only hampers software development and cultural production, and amounts to a government subsidy for companies following outmoded and unethical practices.

Those who promote free software believe that controlling one's own computing should be a universal right. Digital restrictions interfere with the ability to enjoy this right. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous, and instead, any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software and instructions for circumventing

access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

With regard to this particular exemption, all users have a legitimate right to circumvent controls on avionics software. Users must be able to control their own computing, and this is even more important when it comes to the computing needed to keep aircrafts aloft. Owners of aircrafts should always be permitted to study and modify the software involved in flight. The exemption should extend to all works of software and devices, and should further extend to the sharing of tools users need to circumvent such controls.

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Item 2. Proposed Class Addressed

Proposed Class 12: Computer Programs—3D Printing

Item 3. Statement Regarding Proposed Exemption

The GNU/Linux operating system has become one of the most widely used operating systems on the planet. The GNU System and the kernel Linux are called free software, because users are free to study, share, and improve the software. This approach to software sharing and collaborative improvement has resulted in an incredibly powerful operating system, used everywhere from the International Space Station, to the US Department of Defense, to laptops used by millions. There is no longer any doubt that digital restrictions are totally unnecessary to achieve the socially beneficial purposes envisioned by copyright law. In fact, the continued existence of digital restrictions only hampers software development and cultural production, and amounts to a government subsidy for companies following outmoded and unethical practices.

Those who promote free software believe that controlling one's own computing should be a universal right. Digital restrictions interfere with the ability to enjoy this right. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous, and instead, any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software and instructions for circumventing

access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

With regard to this particular exemption, all users have a legitimate right to circumvent controls on 3D printing software. Users have the right to control their own 3D printers. In this area, the use of technical protection measures in order to lock users into purchasing particular feedstock is a gross abuse that goes far beyond the purposes of copyright law. Users should be able to use any feedstock they choose, and should further be permitted to install any software they desire on their 3D printers. The exemption should extend to all works of software and devices, and should further extend to the sharing of tools users need to circumvent such controls.