

[Proposed class or classes of copyrighted work(s) to be exempted]= Computer programs that operate wireless telecommunications handsets. (Mobile firmware)

[Brief summary of the argument(s) in support of the exemption proposed above]= Mobile communications providers are using software locks to control customer access to mobile phone operating software embedded inside the devices. These locks prevent customers from using their handsets on a competitor*s network. Customers who want to use their handsets on a different network must circumvent the locking software to access the computer program that allows the phone to operate (mobile firmware). Mobile providers can use section 1201(a) to stop customers from selecting a provider of their choice, resulting in poorer service and higher costs for customers, reduced competition contrary to explicit U.S. policy, and environmental disaster as a result of mobile handset waste. Locked phones also contribute to the problem of the digital divide between rich and poorer nations. For these reasons, the Copyright Office should grant an exemption for phone unlocking.