

[Proposed class or classes of copyrighted work(s) to be exempted]= Computer programs in the form of firmware that enable wireless telephone handsets to connect to a wireless telephone communication network, when circumvention is accomplished for the sole purpose of lawfully connecting to a wireless telephone communication network, regardless of commercial motive.

[Brief summary of the argument(s) in support of the exemption proposed above]= Prior commenter The Wireless Alliance joins with ReCellular and Flipswap, cellular recycling and reuse companies, to urge renewal of the exemption granted in its favor in the 2006 rulemaking for unlocking cell phones. Using a mobile handset on the network of the customer's choosing is pro-competitive and non-infringing. The customer neither copies the firmware, nor exercises any exclusive right the copyright owner has in it. Rather, the circumventor accesses the firmware merely to reprogram it to work on a different network, or to utilize a different SIM card. Granting the exemption benefits consumers and the environment.