Comments for US Copyright Office

Name: David Somner

[Proposed class or classes of copyrighted work(s) to be exempted]= Proposed Class #1: Computer programs that enable wireless telephone handsets to execute lawfully obtained software applications, where circumvention is accomplished for the sole purpose of enabling interoperability of such applications with computer programs on the telephone handset.

[Brief summary of the argument(s) in support of the exemption proposed above]= The locking of handsets programs to specifically only those allowed by either the cellphone manufacturer or carrier or other third party entity has created an environment where innovation is stifled, competition is controlled and removed, and technological advances are kept to a minimum. Directly related to our own technologies, we rely heavily upon Bluetooth for our mobile device software. With many phones, including the iPhone, the general capability is there for our software to operate on the mobile device, but through direct technological manipulation, removal of "public" software means to access this capability, we have been unable to produce this software for these devices. The iPhone's own software development kit has undergone 12 iterations since it was first released, and although I and thousands of other iPhone developers have repeatedly requested it, Apple themselves has refused to release a public developer's framework for making Bluetooth applications. The same is true for Motorola, Palm, AT&T and Verizon among others. This type of direct market manipulation is monopolistic. It has to end. The DMCA is clearly being not being used for what is was intended, but rather as a market control tool.