

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

Item 1. Commenter Information

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This comment is filed by the Free Software Foundation, a charitable corporation founded in 1985. The Foundation is the largest single copyright holder of the GNU, BSD, and other operating systems' source code used widely today in its GNU, BSD, and other operating systems. The Foundation's GNU, BSD, and other operating systems' source code is the most widely used free software license, covering the GNU, BSD, and other operating systems' source code, and tens of thousands of other computer programs used on hundreds of millions of computers around the world.

Item 2. Proposed Class Addressed

Source code of software programs : Re(air

Item 3. Statement Regarding Proposed Exemption

The GNU, BSD, and other operating systems' source code has become one of the most widely used operating systems' source code on the Internet. The GNU, BSD, and other operating systems' source code and the kernel code are called free software, because users are free to study, share, and improve the software. This approach to software sharing and collaboration is more effective than the International Software Station, to the Software Development of Defense, to the United States 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only hinders software development and cultural production, and amounts to a government subsidy for companies following outdated and unethical practices.

Those who promote free software believe that controlling one's own code 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 adapting for exemptions under 17 U.S.C. 1201 is onerous, and instead, an exemption for a non-infringing purpose should be permitted.

Moreover, 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.

< ith re#ard to this (articlar e1e&(tion, all users ha2e a le#iti&ate ri#ht to circu&2ent controls on their own de2ices for the (ur(ose of re(air, re#ardless of what for& that de2ice takes. < hen an e1e&(tion is tied to the (articlar de2ice, it slows down the ado(tion of new technolo#ies while users wait for a new e1e&(tion to be #ranted. %he ri#hts of users are the sa&e re#ardless of whether the' are usin# a &otori>ed land 2ehicle. Oi&itin# the this e1e&(tion to (articlar de2ices #i2es de2ice &anufacturers an unnecessar' (ower o2er users that #oes far be'ond the (ur(oses of co('ri#ht law. %he e1e&(tion should e1tend to all de2ices, and further to the sharin# of tools that enable users to re(air their de2ices. It should also a((l' to (ro2idin# third!(art' re(air ser2ices.

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 Richard Borko2ec, , location #2en
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