



United States Copyright Office

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June 21, 2012

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Re: Docket No. RM 2011-7
Exemptions to Prohibition on Circumvention of Technological
Measures that Control Access to Copyrighted Works

Dear Witnesses:

Thank you for your participation in the recent hearings relating to proposed Class 5 in the Copyright Office's "1201 Rulemaking" proceeding.

Following our review of the transcripts, we would like to ask that you respond to the following questions no later than Monday, July 2:

1. Please provide technical details on how Google's Android operating system restricts access to third party applications. (For all witnesses)
2. At the May 17 hearing, the Office raised questions concerning the scope of the proposed class of works, specifically whether there is any evidence that there is a need for, or evidence in support of, jailbreaking e-readers, such as the Kindle and the Nook. Please provide evidence supporting the inclusion of these devices, including those versions of the Kindle and Nook that serve solely or primarily as ebook readers, in the proposed class of works. (For proponents)

3. At the June 5 hearing, the Business Software Alliance alleged that jailbreaking mobile devices leads to/results in piracy of copyrighted applications. Please discuss the relationship between jailbreaking and piracy, and whether this is relevant to this class of works. In this context, please discuss the accuracy and reliability of the articles and links previously submitted to the Office discussing apps and piracy (For proponents and opponents)
4. EFF has recently proposed a definition of "Tablet" for this class of works that reads as follows:
 - (a) a personal mobile computing device, typically featuring a touchscreen interface,
 - (b) that contains hardware technically capable of running a wide variety of programs,
 - (c) that is designed with technological measures that restrict the installation or modification of programs on the device, and
 - (d) is not marketed primarily as a wireless telephone handset."

Assuming for the purpose of this inquiry that tablets are part of the proposed class, please comment on the appropriateness of this definition. (For Mr. Neill and for Mr. Menon and Mr. Lassey; other witnesses have already commented on the EFF definition).


Opponents of proposed Class 5 may also respond to the proponent's response to Question 2. If they elect to respond, they should do so no later than Wednesday, July 11.

Please respond by letters sent as email attachments, addressed to 1201@loc.gov, with hard copy mailed to:

David O. Carson
General Counsel
U.S. Copyright Office
P.O. Box 70400
Washington, DC 20024

Thank you.

Sincerely,



David O. Carson
General Counsel