



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 6 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. In its request for an exemption, Consumers Union argued that connecting a mobile device to a communications network is a “procedure, process, system, [or] method of operation” within the meaning of Section 102(b) of the Copyright Act. It then stated that the feature of mobile device firmware or software that facilitates connectivity of a device to a communications network may be unprotectable under U.S. copyright law. If this is in fact the case, please explain why an exemption is necessary in order to use a mobile phone on a competing wireless carrier. (For all proponents.)
2. At the May 31 hearing, the Office sought comment on the alternative class set forth at p. 64 of CTIA’s comment, which reads as follows:

Computer programs, in the form of firmware or software, that enable used wireless telephone handsets to connect to a wireless telecommunications network, when circumvention is undertaken by an individual customer of a wireless service provider who owns the copy of the computer program solely or

noncommercial purposes in order to connect to a wireless telecommunications network other than that of the service provider and access to the network is authorized by the operator of the network.

Please comment on this proposed language. (For all proponents).

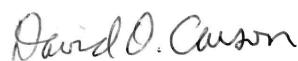
3. At the May 31 hearing, the Office raised questions about the future of the mobile phone subsidy business model that has been part and parcel of the wireless industry for the last decade. In a May 7, 2012 article in the Wall Street Journal entitled "Carriers Chip Away at Phone Subsidies," it was reported that the wireless industry's current subsidy arrangements with device manufacturers is undergoing some degree of change. In light of this article, please discuss the future of mobile phone subsidies, their evolving role in the mobile wireless marketplace, and whether such a possible shift has any relevance to this rulemaking. (For CTIA).
4. It was recently reported in the press that both Sprint and Leap Wireless will be offering iPhones on a pre-paid plan basis. Please state whether these devices will be locked to their respective wireless networks. (For all witnesses.)
5. Please indicate, in percentage terms or, if percentages are unavailable, in as accurate a fashion as possible, how many mobile wireless providers other than AT&T, Verizon, Sprint, and T-Mobile now use mobile phone locks to keep customers on their respective wireless networks. (For all witnesses.)

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