



Media Minutes

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TRANSCRIPT

Librarian of Congress: It's OK to Remix, Unlock and Jailbreak

This week, the Librarian of Congress announced several unprecedented exemptions to the Digital Millennium Copyright Act. The Library of Congress oversees the U.S. Copyright Office. The Electronic Frontier Foundation applied for – and won – three of those exemptions for jailbreaking and unlocking cell phones and remixing videos.

EFF is particularly concerned with the Act's circumvention provisions – copy protection measures known as Digital Rights Management – and focused its efforts to rectify those most egregious to consumers. EFF Senior Staff Attorney Corynne McSherry says that if you bypass copy protection measures, you could be liable under the Act, even though you're doing it for a lawful purpose.

Corynne McSherry: *It's sort of, what you're doing is fine, how you're doing it is not ok.*

For instance, iPhone users who want to use legal applications from sources other than the iTunes Store must hack through – or jailbreak – the software that Apple installs on the phone to block non-iTunes sources. Using other applications is not illegal, but jailbreaking was. Now jailbreaking is exempt from the Act.

Corynne McSherry: *Tinkering with your phone in order to make it interoperate, to make it work with other applications and other software is a fair use. Actually we like to encourage interoperability because it promotes competition and innovation and so on.*

Since 2006, cell phone owners have been able take advantage of an exemption that allows people to unlock their used cell phones so they can be resold and reused by a different carrier. EFF won a renewal of the ruling for the next three years.

Another new exemption allows video remix artists to legally copy excerpts of commercial work for noncommercial endeavors.

Corynne McSherry: *It was ridiculous that people who make videos weren't able to take short excerpts from DVDs for purposes of commenting on them, critiquing them in a new*

work, weren't able to do that because all DVDs sold in the United States come with encryption on them.

McSherry says that up until this particular round of exemptions, the rulings have been exceedingly narrow.

Corynne McSherry: *This is the first time where the Copyright Office, the Librarian of Congress has really come to terms with – and taken advantage of – its own authority to issue these kinds of exemptions in order to make sure that copyright's purposes are being accomplished, in order to make sure that the Copyright Act isn't actually getting in the way of the basic thing that copyright is supposed to do, which is promote the progress of science and the useful arts.*

For more information about the new exemptions, go to eff.org.

Cell Phones for the Homeless

Life without a cell phone. Can you imagine it? It would be nearly impossible to keep up with today's connected world. That's why a non-profit organization in St. Paul, Minnesota recently launched a pilot project to distribute cell phones to low-income and homeless people to help them find stable housing and jobs.

Twin Cities Community Voice Mail began operating in 1994 offering voicemail service to the homeless population. But as times have changed, and access to pay phones has dwindled, the organization has innovated. The group will now help distribute 30 to 40 cell phones and pay for six months of phone service.

Marcy Shapiro, executive director of Twin Cities Community Voice Mail, said having a cell phone is a necessity, particularly for people who don't have access to the Internet.

Marcy Shapiro: *Think about it. If you didn't have a phone, how would you communicate with anybody, and most of them have extremely limited access to the Internet. So if you have extremely limited access to the Internet and you don't have a phone, how do you talk to your doctor? How do you make an appointment with your doctor? How do you keep in touch with your family who might be someplace else? Or how do you have any friends. So it's really all the basic everyday life things that all of us use our phones for.*

Finding and keeping jobs is also difficult without a cell phone.

Marcy Shapiro: *A lot of job interviews now are on the phone, so this is the only way they'd be able to talk to a potential employer. A lot of employers, if they can't reach a person right away, then they'll go on to the next person because the job market is so competitive right now.*

Despite a grant to help get the program off the ground, Shapiro says the organization will only be able to reach a small portion of the population who needs support. She's hopeful that the federal programs Lifeline and Link-up – programs established by the Reagan administration in 1985 through the Federal Communications Commission to subsidize telephone service -- will step in to help.

But cell phone companies working with the Lifeline and Link-Up programs all offer wildly different plans -- many with only 60 minutes a month and steep penalties for overuse.

For more information visit www.tccvm.org.

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