

Hi -

My name is Andy Green, I am a UK citizen and I have been interested in the increasing tangle of restrictions and laws surrounding "Intellectual Property" for some years. For the past 20 years I have worked as a consultant designing hardware and software. To some extent my living relies on having some kind of IP law, then. I am also a proponent of Free software and use Linux in my work extensively.

However, a couple of years ago I was involved with hacking the Microsoft Xbox console in order to put Linux on it. This was prior to the EU CD making the circumvention of "Technological Protection Measures" illegal, except for the purposes of 'interoperability', whatever that is.

I would like to give evidence (if that is the phrase) to the IP review around my experiences, and to suggest that in the light of cryptographically controlled hardware becoming mainstream, a new consumer right is needed to partially balance the restrictions and penalties applied to them in the last few years: an affirmative right to remove and replace copyrighted works in devices to allow substantial repurposing of the device, consonant with the EU CD allowances for reverse engineering for interoperability.

In brief, crypto in the CPU allows extreme licensing policies to be enforced by manufacturers, this is seen now in the Xbox 360 and will be seen in consumer PCs in 2006, tying for example an otherwise Open PC platform to a particular operating system in the case of Apple.

All of these implementations have one goal, to lock out the consumer from participation in using the device except as a customer. The general public is trained to be quite passive and consumption-only enough without the new generation of crypto-backed products and laws removing the possibility of the devices being freed of the limited, copyrighted software and opened up for new uses. This issue is becoming urgent because of the move, with the Xbox 360, Vista and the new x86 Apple OSes to fundamentally closed, OS-tied devices that lock the customer out from any choice.

Please let me know how I can best elaborate on these issues to the review, either by making a presentation or in writing is fine.

Regards,

-Andy