

**STATEMENT OF COMMISSIONER AJIT PAI
ON THE PRESENTATION OF THE INDUSTRY'S MOBILE WIRELESS DEVICE
UNLOCKING AGREEMENT**

DECEMBER 12, 2013

Before 2013, you didn't need anyone's permission to take the phone you had bought and paid for to another provider's network. You could "unlock" your phone yourself. But then the Librarian of Congress decided to solve a problem that didn't exist, putting formerly innocuous conduct in the crosshairs of copyright law. Consequently, as ridiculous as it sounds, American consumers can face jail time for unlocking their cellphones.

For consumers, today's agreement on wireless device unlocking is a half-step forward. Industrywide adoption of these guidelines should make the unlocking process easier to navigate. But this agreement does not solve many of the problems resulting from the Librarian of Congress's decision. It does not empower consumers to unlock phones themselves, but instead keeps carriers in control of the process. If a consumer forgets to unlock his cellphone before recycling it, carriers can still charge that new, legal owner an unlocking fee. If a consumer needs to travel abroad for business or to visit his family, he cannot get low rates from a foreign provider without his domestic carrier's say-so. And if a low-income consumer thinks his prepaid plan doesn't have a contract—well, apparently his carrier can make him wait a year before unlocking the phone.

Most importantly, today's agreement does not resolve the fundamental problem with federal law. No matter what we do here at the FCC, we cannot ourselves exempt unlocking cellphones or other wireless communications devices from the constraints of the Digital Millennium Copyright Act. Only Congress can do that. There are ongoing bipartisan efforts in the U.S. House and Senate to pass a permanent fix to the law. I have previously voiced my support for those efforts, and I hope today's industry agreement will help expedite—not slow down—that process.

I thank Michael Janson, Pramesh Jobanputra, and Roger Sherman for putting together today's presentation and look forward to monitoring the impact of this industry agreement as we move forward.