



December 20, 2018

Boing Boing
Happy Mutants LLC
775 E. Blithedale Avenue, #116
Mill Valley, CA 94941-1554

Via email: pesco@boingboing.net

Re: [Notice of Claimed Infringement by Cory Doctorow: https://boingboing.net/2018/12/08/flipping-a-bird.html](https://boingboing.net/2018/12/08/flipping-a-bird.html)

Dear Legal Team:

We are writing to alert you to a blog on your website that violates intellectual property and other rights of Bird Rides, Inc. (“Bird”) and also violates your own Terms of Services. Specifically, one of your users, Cory Doctorow, is promoting the sale/use of an illegal product that is solely designed to circumvent the copyright protections of Bird’s proprietary technology, as described in greater detail below, as well as promoting illegal activity in general by encouraging the vandalism and misappropriation of Bird property. Please see this [link](#) and attached screen shots.

Specifically, the “conversion kit” promoted by your user (the “Infringing Product”) violates the DMCA’s anti-circumvention protection, which is codified in 17 U.S. Code § 1201 and specifically provides:

- (a) (2) No person shall manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component, or part thereof, that—
 - (A) is primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to a work protected under this title;
 - (B) has only limited commercially significant purpose or use other than to circumvent a technological measure that effectively controls access to a work protected under this title; or
 - (C) is marketed by that person or another acting in concert with that person with that person’s knowledge for use in circumventing a technological measure that effectively controls access to a work protected under this title

and

- (b) Additional Violations.—
 - (1) No person shall manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component, or part thereof, that—
 - (A) is primarily designed or produced for the purpose of circumventing protection afforded by a technological measure that effectively protects a right of a copyright owner under this title in a work or a portion thereof;
 - (B) has only limited commercially significant purpose or use other than to circumvent protection afforded by a technological measure that effectively protects a right of a copyright owner under this title in a work or a portion thereof; or
 - (C) is marketed by that person or another acting in concert with that person with that person’s knowledge for use in circumventing protection afforded by a technological measure that effectively protects a right of a copyright owner under this title in a work or a portion thereof.



To provide context, Bird is an electric scooter sharing company. Users locate an available scooter via GPS through an app on their smartphones. Once the user locates an available scooter, the user “unlocks” the scooter via the app, and rides it to his/her destination. Once the destination is reached, the user can “lock” the scooter in a safe parking spot and the ride ends. Every step of this rental process is controlled by Bird’s copyrighted code, which applies to both the software technology supporting the app, and the hardware technology that controls the scooter, including the proprietary circuit board.

The Infringing Product is clearly designed to “circumvent” the technological protections put in place by Bird to protect its code, its app and its technology. The Infringing Product ultimately allows the user to replace the Bird code so that users may ride the Bird scooters without using its app. Mr. Doctorow’s blog encourages users to purchase this illegal product and even provides links to a website where such Infringing Product may be purchased.

To be clear, Bird scooters are not for sale. **These products encourage illegal conduct.**

As such, it is our position that Mr. Doctorow’s blog promotes the use and sale of an illegal product that violates Bird’s copyright and other rights. Bird requests that Boing Boing immediately take down this offensive blog and terminate the user’s account for violation of Boing Boing’s Terms of Service.

I have a good faith belief, and do solemnly and sincerely declare, that use of the material in the manner complained of is not authorized by the Intellectual Property Owner (I.e., Bird), its agent, or the law. The information in this Notice of Claimed Infringement is accurate, and under penalty of perjury, I am authorized to act on behalf of the Intellectual Property Owner of an exclusive right that is allegedly infringed.

Thank you for your attention in this regard and please feel free to reach out with any questions.

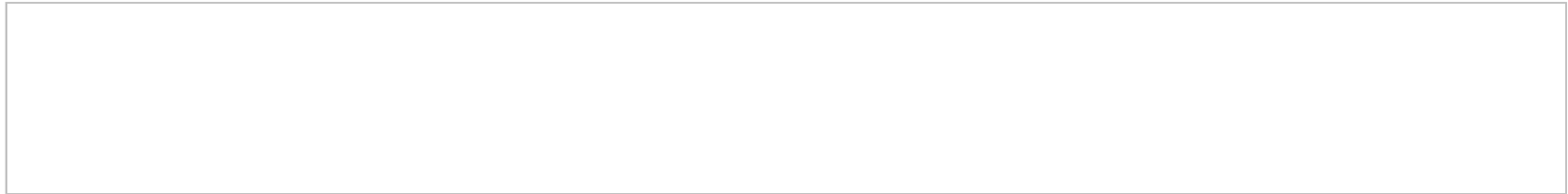
Linda Kwak

Linda Kwak

Sr. Corporate Counsel

birdlegal@bird.co

(213) 634-3017



\$30 plug-and-play kit converts a Bird scooter into a "personal scooter"



Privacy - Terms



When scooter companies like Bird started **illegally deploying their gadgets** in city streets, there was intense interest in both **the street value of the components** to be found within each of these VC-backed ewaste-in-waiting devices, and tactics for **hotwiring them**.

Now, with **hundreds of these scooters abandoned** and rotting in impound lots, likely never to be recovered, maybe now is a good time to **invest in a \$30 scooter "conversion kit"**, which ships direct from China, and plugs-and-plays to convert one of these scooters to a "personal scooter," with all recovery and payment components permanently disabled.

The subject of this conversion are scooters deployed by Bird, which are in actuality Xiaomi MIJIA M365 scooters with a few added electronics to connect to the Internet. The 'conversion kit' for a Bird scooter comes directly from China, costs \$30, and is apparently a plug-and-play sort of deal. The hardest part is finding a screwdriver with the right security bits, but that again is a problem eBay is more than willing to solve.

Right now, [humanbeing21] is in contact with a towing company that has well over a hundred Bird scooters on their lot, each accruing daily storage fees. Since these scooters only cost about \$400 new, we're probably well past the time when it makes sense for Bird to pay to get them out of storage. This means they'll probably be heading for an auction where anyone can pick them up — all of them — for a hundred bucks or so.

Right now, scooter hacking is becoming one of the most interesting adventures in modern-day hacking. You've got batteries and electronics and motors just sitting there, ready for the taking (and yes, through these auctions you can do this legally). We're looking at a future filled with 18650-based Powerwalls from discarded electric scooters and quad-copters built around scooter motors filling the skies. This is cyberpunk, and we can't wait to see the other builds these scooters will become.

[Liberating Birds For A Cheap Electric Scooter](#) [Brian Benchoff/Hackaday]

[Convert a Bird to a Personal Scooter](#) [Scooter Talk]

(via [JWZ](#))

(Image: [Hackaday](#))

[SHARE](#) / [TWEET](#) / **39 COMMENTS**

[BIRD](#) / [E-WASTE](#) / [MAKERS](#) / [SCOOTERS](#) / [URBAN THEORY](#)

GET THE BOING BOING NEWSLETTER