My Letter To Apple: Objection To Section 3.3.1, Request For Exclusion

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Related Categories: Off topic, Flash Player, iOS

I've just sent the following to the EU Dev Support at Apple.

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Dear Apple,
As a developer who has successfully used Adobe Flash CS5 to build, submit and publish iPhone applications via the App Store I am unable to agree to the new Updated Program License Agreement you wish to impose on me.

Section 3.3.1 of the agreement states:
"Applications may only use Documented APIs in the manner prescribed by Apple and must not use or call any private APIs. Applications must be originally written in Objective-C, C, C++, or JavaScript as executed by the iPhone OS WebKit engine, and only code written in C, C++, and Objective-C may compile and directly link against the Documented APIs (e.g., Applications that link to Documented APIs through an intermediary translation or compatibility layer or tool are prohibited)."

Since my application has originally been written in ActionScript it is now in violation of these terms. This brings up two questions:

1) Could you clarify whether or not applications submitted under a previous version of the Program License Agreement are affected by this change? If so, am I supposed to remove my application from the App Store?

Of course, the published iPhone application I developed complied fully with the previous version of your Program License Agreement, and which I was happy to adhere to. As you are aware, Apple had no problems approving my iPhone app, including taking a 30% cut from any earnings to date.

2) It seems clear that due to the recent changes in terms I am no longer able to develop iPhone applications using my favourite tool, Adobe Flash CS5. Since I paid a full year's subscription and you have now changed the terms under which I am allowed to engage with the program, I kindly ask you to exclude my company from having to adhere to the section 3.3.1. In the likely case of you being unable to comply with my request I kindly ask for a pro-rata refund as I have no plans of 'originally writing' any of my apps in any of the 'approved' programming languages mentioned in section 3.3.1.

I am awaiting your timely reply within the next 10 working days.

Regards,

Stefan Richter

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I'll post any correspondence I receive back here. Of course the request for excluding my company from Section 3.3.1 is a bit of a joke and will not happen, but I wonder what their refund policy is like? Thanks to Jodie who has also emailed Apple on this

matter - and who is still waiting for a reply.