

[Proposed class or classes of copyrighted work(s) to be exempted]= We respectfully request an exemption to \*\* 1201(A)(1)(a) for sound recordings and audiovisual works distributed in compact disc format and protected by technological measures that impede access to lawfully purchased works by creating or exploiting security vulnerabilities that compromise the security of personal computers. The creation of security vulnerabilities includes running or installing rootkits or other software code that jeopardize the security of a computer or the data it contains. The exploitation of security vulnerabilities includes running or installing software protection measures without conspicuous notice and explicit consent and failing to provide a permanent and complete method of uninstalling or disabling the technological measure.

[Brief summary of the argument(s) in support of the exemption proposed above]= Technological measures protecting works distributed on Compact Discs have been found to pose unreasonable security risks to consumers\*\*\* personal computers, corporate and government networks and the information infrastructure as a whole. Vulnerabilities inherent in widely distributed CD protection measures create the potential for a frightening range of abuses. Viruses and Trojan horses are already leveraging these technologies to hide from antivirus programs and system administrators. Exacerbating the unacceptable risks posed by these technological protection measures, is that fact that the uninstalls provided to remove these measures pose additional security risks allowing a malicious web site to hijack a consumer\*\*\*s computer.

Security holes of this sort are regularly exploited by criminals. They may be used to turn the computer against its owner by sniffing passwords (including login information for financial sites), stealing business secrets and confidential data, and even holding the data on the PC for ransom. Such weaknesses also serve as launching points for attacks on third parties. Attackers can use such holes to penetrate otherwise secure home or corporate networks. Criminals can use them to enlist thousands of machines, unbeknownst to their owners, into massive \*\*\*botnets\*\*\*\*\*armies of so called \*\*\*zombie\*\*\* computers\*\*\*which are directed to relay spam (including pornographic messages) or conduct crippling distributed denial of service (DDOS) attacks. Past targets have included corporations and national security assets, including the infrastructure of the Internet itself. Zombies may also be used to relay anonymous messages and hide the activities of cyber criminals, including terrorist organizations, from law enforcement.

The security holes created by these protection measures force consumers to choose between two equally unappealing options: to accept intolerable security risks in order to access lawfully purchased CDs or to circumvent the protection measures in order to gain lawful access and maintain a safe computing environment. This is a Faustian bargain. If consumers choose to listen they open their own systems as well as the broader Internet to countless security risks. The proposed exemption would allow users to take steps to ensure the security of their computers while enjoying access to the CDs they purchase without fear of liability under the DMCA for circumventing protection measures that undermine computer security.