

Short Comment Regarding a Proposed Exemption Under 17 U.S.C. 1201

Item 1. Commenter Information

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Item 2. Proposed Class Addressed

Proposed Class 25: Software—Security Research

Item 3. Statement Regarding Proposed Exemption

As a computer security academic researcher and professor, I urge the Copyright Office in the strongest possible terms to grant the exemption request of the Security Researchers under Proposed Class 25. The DMCA without this exemption damages national security interests by creating material obstacles and even potentially prohibiting critical security research. For example, my concern that the DMCA may outlaw portions of my research has caused me to alter and, in my opinion, methodologically weaken the proposals that I have submitted to government funding agencies in response to their calls for security research.

Similarly, I currently wish to pursue more research in the areas of insecure embedded devices, such as the insecure routers that constitute the communication substrate of the internet and government networks, however, I have been advised by attorneys that some of this research may run afoul of DMCA Section 1201. As such, I have not yet pursued this research, despite its necessity and its potential to improve information security of components and systems, which is clearly in the best interests of the nation to secure its critical infrastructure. The DMCA is actively hurting security research and making our country less safe. It is also damaging classroom teaching of future generations of students about the mechanics of computer security.

In response to the Copyright Office's query regarding possible negative repercussions, no negative repercussions will arise with respect to the safety or security of software from granting this exemption. Indeed, to the contrary, if the exemption is granted, security researchers will be better able to defend the national security interests, critical infrastructure, and economy of the United States. Security researchers already work as part of teams inside the most sophisticated companies, as well as in academia and as sole-proprietors/entrepreneurs. Important security research arises from each of these three settings.

With respect to the use of ISO 29147 and ISO 30111, the international standards referenced in the Security Researchers' proposed exemption provide a floor of corporate conduct that embodies security practices already implemented at responsible corporate entities. Hinging an exemption on these standards assists in creating a logical balance between information security and intellectual property protection of responsible corporate entities.