

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

Item 1. Commenter Information

Donald Robertson, III
Free Software Foundation, Inc.
51 Franklin Street, Fifth Floor
Boston, MA 02110-1335
licensing@fsf.org

This comment is filed by the Free Software Foundation, a charitable corporation founded in 1985. The Foundation is the largest single copyright holder of the GNU operating system (used widely today in its GNU/Linux variant). The Foundation's GNU General Public License is the most widely used free software license, covering major components of the GNU operating system, and tens of thousands of other computer programs used on hundreds of millions of computers around the world.

Item 2. Proposed Class Addressed

Proposed Class 10: Computer Programs—Security Research

Item 3. Statement Regarding Proposed Exemption

The GNU/Linux operating system has become one of the most widely used operating systems on the planet. The GNU System and the kernel Linux are called free software, because users are free to study, share, and improve the software. This approach to software sharing and collaborative improvement has resulted in an incredibly powerful operating system, used everywhere from the International Space Station, to the US Department of Defense, to laptops used by millions. There is no longer any doubt that digital restrictions are totally unnecessary to achieve the socially beneficial purposes envisioned by copyright law. In fact, the continued existence of digital restrictions only hampers software development and cultural production, and amounts to a government subsidy for companies following outmoded and unethical practices.

Those who promote free software believe that controlling one's own computing should be a universal right. Digital restrictions interfere with the ability to enjoy this right. Circumventing such restrictions for any use should not come with the threat of legal sanction. The process of continually applying for exemptions under 17 U.S.C. 1201 is onerous, and instead, any circumvention for a non-infringing purpose should be permitted.

However, where exemptions are used to safeguard the public from these laws, it must be the case that exemptions should cover the sharing and distribution of software and instructions for circumventing access control technologies. Without this, exemptions are near useless, since it would require everyone who wants to act within their scope to write their own software to do so.

With regard to this particular exemption, all users have a legitimate right to circumvent controls in order to do security research. The need to understand and improve the security of software and devices does not depend on what the particular software or device is. Users are affected by security breaches regardless of their origin. Limiting the exemption to particular uses provides a guidebook to criminal elements as to what software and devices they can attack without fear of security researchers discovering their methods. The exemption should extend to all works of software and devices, and should further extend to the sharing of tools users need to circumvent such controls.

The following US residents co-sign this comment:

Alexandre Hannud Abdo, NY

Jerry Lee Minn

Jerald Vinikoff, NY

Rob Frohne, Washington

Tom McNeely, Washington

David Kaufman, PA

Mike Bird, WA

Mark Chappel, GA

Xavier Kral, CA

Radoslaw Czerwinski, NY

James Parks, TX

Raquel Bujans, NY

Robert Clyne, Mich

Aaron Ruscetta, GA

Nicholas Beatty, Montana

Julie Fitzgerald, Penn

John M. Novak, CO

Seth Fulton, CA

Alex Sandersfeld, CA

Karl R. Harger, Maryland

Chad Walters, WA

Gary Parson, NY

Anthony Santangelo, CA

David Egan Evans, Utah

Marcia K Wilbur, AZ

Michael Vincent, Il

Ben Williams, MA

Cristian Frâncu, CA

Dylan J Fahey, NV

Robert Wise, TX

Jerry Boman, KS

William G Hatch, Utah

Tim Fujioka, NY

Brian Kunzelmann, GA

Svetosla Trochev, NV

Lisa M. Goldstein, MA

Ben Williams, MA

Cristian Frâncu, CA

Klaus P Schreyack, CO
Josh Ventura, PA
Charles Tabor, TX
Arthur Torrey, MA
Claire Hurwitz, CA
John Duchek, Miss
Francisco Javier Garibaldi Rodríguez, DE
Richard Borkovec, PA
Brandon O'Toole, WA
Grant Levy, CA
Rod Murufas, California
Justin Walker, Wisconsin
David Hopp, North Carolina
Dan Munro, New Jersey
Arthur M Coucouvitis, New Hampshire
Marvin Simkin, Arizona
James Pollock, Florida
Kalin Yancy, Oregon
Chris van Gorder, Virginia
Wayne Moore, New York

The following international users co-sign this comment:

Vadim Golub, Belarus
Yogesh K S, India
Juan José Navarro, Spain
Pierre-André Scheffer, France
Leo Butler, Canada
Yvan Turcot, Canada
David Seaward, South Africa
Augusto Herrmann, Brazil
Cassiano dos Santos, Brazil
Hennadii Madan, Ukraine
Felipe Sologuren, Chile
Davide G. M. Salvetti, Italy
Daniel Waxweiler, Luxembourg
Jean-Pierre Coeffic, France
German Augusto Perez Jaramillo, Colombia
Henk de Bruyn, Netherlands
Douglas Stetner, Australia
James Legg, UK
Doriano Calandro, UK
Thomas Vansteenbergh, France
Jean-Sebastien Trottier, Canada
Vince Pisciotta, Australia
Simeon Kudratt, UK
Pascual Conesa, No location given
Andreas Boehlk, Germany
Magali de Morangies, France

Dominik Wujastyk, Canada
Phillip Cripps, No location given
Christer Barreholm, Sweden
Jacques Kreitmann, France
Klaus Lichtenwalder, Germany
Maciej Jonczyk, Poland
Tim Evans, UK
Kim Aleksey Arturovich, Uzbekistan
Alexander Steinhardt, Austria
Normand Boivin, Canada
Antoine Rault, France
Nicholas Bohm, UK
Günther Höfer, Germany
Melissa McCarthy, Canada
Jasper Mulder, Netherlands
Nicholas Bohm, UK
Sandro Santilli, Italy
Przemysław Ołtarzewski, Poland
Jiri Pittner, Czech
Stefan Stefanović, Serbia
Rasmus Jensen, Denmark
Ben Geeraerts, Belgium
Kuisma Lappalainen, Finland
Michael Felt, Netherlands
Sebastian Makowiecki, Ireland
Trevor Oxborrow, UK
Aravind Chak, No location given
Balázs Klenk, Hungary
Sandro Santilli, Italy
J. Charles Teyssier, France
Kushagra Merchant, India
Anthony Falez, Canada
Raffaele Manzo, Italy
Olaf Meeuwissen, Japan
Cindy I. Ehsman, Australia
Manu Revah, France
Gonzalo F. de-Cordoba, Spain
Richard Borkovec, No location given
David Seaward, South Africa
Anju Passi, No location given
Yvan Turcot, Canada
Natalia Strzelczyk, No location given
Russell Andres, No location given
Leo Butler, Canada
Tadeus Prastowo, No location given
Tjeerd Pinkert, Germany
Kostis Anagnostopoulos, Greece
Kylie Willison, Australia
Steven M. Dupuis, Canada

B. Ross Ashley, Canada
Michael G. Henders, Canada
Michael Mounteney, UK
Anton Tagunov, UK
Pierre Barberis, Philipines
Ulf Rosvall, Sweden
TC Willett, No location given
John J. Marxer, Spain
Joe Feely, UK
Jose Balado, Spain
Craig Tee, UK
Sergey Dmitrouk, Ukraine
Laurence Hazlewood, No location given
Tomas Nordin, Sweden
Adam Cornwell, UK
Colin Craig, UK
Jan Holst Jensen, Denmark
Petter A. Urkedal, Denmark
Keith Owen, UK
John O'Hare, UK
Mattie Van den berg, Netherlands
Alan Harries, UK
Jan-Jan van der Vyver, South Africa
Peter Östergren, Sweden
Vandenabeele Andre, France
Dave Hardcastle, UK
Rasmus Jensen, Denmark
Ben Geeraerts, Belgium
Michael Felt, Netherlands
Oleg Kokorin, No location given