CS 465 Computer Security

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DMCA: Unintended Consequences

- Source material
  - http://www.eff.org/IP/DMCA/
  - http://www.eff.org/IP/DMCA/
    ?f=unintended_consequences.html
DMCA

- Digital Millennium Copyright Act (1998)
- Anti-circumvention provisions of Section 1201
  - Response to two pressures
    - Perceived need to implement obligations imposed by the 1996 World Intellectual Property Organization Copyright Treaty
    - Concerns of copyright owners that their works would be widely pirated in the networked digital world

Section 1201 Prohibitions

- Ban on acts of circumvention
  - Makes it unlawful to defeat the encryption system used on DVD movies
- Ban on the distribution of tools and technologies used for circumvention
  - Outlaws the manufacture, sale, distribution or trafficking of tools and technologies that make circumvention possible
  - Ban on both access control and copy control
### Section 1201 Exceptions

- Includes exceptions for a limited class of activities
  - Security testing
  - Reverse engineering of software
  - Security testing
  - Encryption research
  - Law enforcement

### DMCA Threats

- Chills free expression and scientific research
- Jeopardizes fair use
- Impedes competition and innovation
- Becomes and all-purpose ban on access to computer networks
Free Expression and Scientific Research

- Professor Felton’s research team threatened
- Blackboard threatens security researchers
- Dmitry Sklyarov arrested
- Microsoft threatens Slashdot

Fair Use

- Copy protection technologies infringe on fair use
- Ban tools used for fair use that could also be used to infringe copyright
- Fair use tools yanked off the market
  - Universal vs. Reimerdes – ban DeCSS
  - Suit on manufacturer of DVD Copyware
<table>
<thead>
<tr>
<th>Innovation and Competition</th>
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<tbody>
<tr>
<td>■ Lexmark sues over toner cartridges</td>
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<tr>
<td>■ Chamberlain sues universal garage door opener manufacturer</td>
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<td>■ Apple harasses inventive retailer</td>
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<th>Network Access</th>
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<td>■ Disgruntled ex-employer sues for unauthorized network access</td>
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