

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

## **Item 1. Commenter Information**

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This comment is filed by the Free Software Foundation, a charitable corporation founded in 1985. The Foundation is the largest single contributor to 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**

Class 13: 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. 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 these freedoms. 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.

Security researchers should not fear legal repercussions in their quest to protect users. The Digital Millennium Copyright Act is not meant to be used to enforce other unrelated laws. All exemptions should be granted broadly, and without reference to other regulations. If Congress or other government agencies want to address those issues, they have ample mechanisms to do so. Digital Restrictions Management has nothing to do with copyright, but rather is all about control. Which is why governmental organizations are increasingly interfering with the exemptions process for issues unrelated to copyright law <<https://www.defectivebydesign.org/epa-drm-drone>>. The exemption should be expanded to ensure that security researches can do their important work without having to worry about the Digital Millennium Copyright Act. The exemption should extend to all works on all devices, and to all users, as well as to the sharing of tools needed to make circumvention possible.

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