

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 27: Software — networked medical devices

Item 3. Rebuttal Regarding Proposed Exemption

The argument from Jay Schulman seems to hinge on the strange notion that if security researchers are not allowed to reverse engineer devices to find flaws, then users of the devices will somehow magically be safe, as those bugs will never be found. Whether or not you allow the "good guys" to find bugs does not in any way change whether "bad guys" know how to cause damage (or even deaths...). The DMCA is not some kind of magical security tape that makes it impossible for people to take things apart and figure out how they work. What security researchers want to do is, in the open, help find bugs before malicious agents do, so that people who rely on these devices can be warned and companies that make the products can come up with some kind of workaround. Of course, this isn't even the most interesting part of this exemption... security researchers already have some protection, but people researching the safety and efficacy of these medical devices do not, and are offering the same benefits to society, to the users of the device, and (frankly) to the companies who produce the device (that is, unless you have a mental model where "plausible deniability" of issues with your device is a good thing).