

**LIBRARY OF CONGRESS
COPYRIGHT OFFICE**

In the Matter of

Exemptions to Permit
Circumvention of Access Controls
on Copyrighted Works

Docket No. 2017–10

**DVD COPY CONTROL ASSOCIATION (“DVD CCA”) AND
THE ADVANCED ACCESS CONTENT SYSTEM LICENSING
ADMINISTRATOR’S (“AACSLA”) JOINT RESPONSE TO POSTHEARING
QUESTION FOR CLASS 10 (COMPUTER PROGRAMS - SECURITY RESEARCH)**

REQUEST:

[T]he [Copyright] Office accepted into the Class 10 record a research report submitted by proponent Center for Democracy & Technology in April 2018, after the close of the written comment period. The report has been designated Exhibit 10-A and is available on the Office website at <https://www.copyright.gov/1201/2018/exhibit-043018/>. In accepting this late submission, the Office advised hearing participants that it would provide opponents with the opportunity to provide written responses to the report.

Response:

AACSLA and DVD CCA do not see this Report as adding anything new to the discussion in relation to this exemption request. However, to the extent that it does provide any new information, the Report actually provides further support for the argument that the limitations in the current temporary exemption should be preserved. Contrary to proponents’ claims, the Report indicates that the research community is not as confused about disclosure of their research. Specifically, in discussing disclosure of access controls (Section 4.3), the Report states, “researchers perceived less risk for these activities in controlled, non-networked situations because they could retain control over the effects and the knowledge of their work.” Exhibit 10-A at 22. Thus, the Report suggests that researchers can and do in fact control the disclosure of their research.

The Report further discusses the protocols researchers use to proceed intelligently with disclosure – even in the face of legal risk. These protocols include coordinated disclosure with adequate communication among knowledgeable parties and the use of intermediaries such as Computer Emergency Response Teams (CERTs), other disinterested researchers and even journalists. *Id.* at 22-23. In light of this real-world information demonstrating that researchers are successfully disclosing their research, there is no reason for the Register to recommend the removal of the limitations in the current temporary exemption.

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Respectfully submitted,

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