

Note: Please submit a separate comment for each proposed class.

This is a Word document that allows users to type into the spaces below. The comment should be no more than one page in length (which may be single-spaced but should be in at least 12-point type). The italicized instructions on this template may be deleted.

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

Item 1. Commenter Information

Identify the commenting party and, if desired, provide a means for others to contact the commenter or an authorized representative of the commenter by email and/or telephone. (Please keep in mind that any private, confidential, or personally identifiable information in this document will be accessible to the public.)

Rapid7, a security data and analytics software and services company that helps organizations reduce the risk of a breach, detect and investigate attacks, and build effective IT security programs. Our ability to help our customers understand the risks they face, and protect themselves, is underpinned by security research. We believe that identifying and addressing the vulnerabilities inherent in technical systems is a critical measure in addressing cyber threats and reducing opportunities for attackers.

Contact: Jen Ellis [jellis at rapid7 dot com]

Item 2. Proposed Class Addressed

Identify the proposed exemption that the comment addresses by the number and name of the class set forth in the Notice of Proposed Rulemaking (e.g., "Proposed Class 7: Audiovisual works – derivative uses – noncommercial remix videos").

25. Proposed Class 25: Software – security research

Item 3. Statement Regarding Proposed Exemption

Explain why you support or oppose the relevant proposed exemption.

The Digital Millennium Copyright Act currently chills security research efforts that can help protect consumers and businesses from vulnerabilities in technical systems that could threaten the safety of US citizens.

Technology is pervasive in every part of our lives, blurring the lines between the physical and virtual so that the common occurrence of bugs and vulnerabilities in technical systems now inherently threatens not only our identity, financial health, and more drastically our physical safety. Given the complexity of technical systems, and the relentless pace of innovation, it is understandable that these bugs and vulnerabilities appear; however, their existence provides opportunities for criminals to attack US citizens in every part of their lives.

To mitigate this threat, it is imperative that those with a sufficient level of skill and understanding conduct research to test technical systems and identify potential security issues. Only by identifying the problems can we hope to address them and reduce the potential opportunities for cybercriminals to cause harm.

Yet, this essential work is being blocked by the anti-circumvention provisions of the DMCA. Researchers are not permitted to test the software running on devices, which is frequently the

PRIVACY ACT ADVISORY STATEMENT Required by the Privacy Act of 1974 (P.L. 93-579)

The authority for requesting this information is 17 U.S.C. §§ 1201(a)(1) and 705. Furnishing the requested information is voluntary. The principal use of the requested information is publication on the Copyright Office website and use by Copyright Office staff for purposes of the rulemaking proceeding conducted under 17 U.S.C. § 1201(a)(1). NOTE: No other advisory statement will be given in connection with this submission. Please keep this statement and refer to it if we communicate with you regarding this submission.

most significant area of complexity and risk. This creates a chilling effect on the ability of researchers to uncover – and help address – security vulnerabilities that put consumers at risk.

There are numerous examples of researchers being limited in the testing they can do, and thus their ability to identify all the issues that could expose users to risk. Until we address this issue and provide more support for researchers, we will continue to expose ourselves to serious wide-reaching threats. We hope the Copyright Office will recognize the value of the work these researchers conduct, and its essential role in protecting US citizens.