



Computer & Communications
Industry Association

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October 21, 2002

Mr. Richard Clarke
Chairman
President's Critical Infrastructure Protection Board
1800 G Street, NW - 10th Floor
Washington, DC 20502

Dear Mr. Clarke:

On behalf of the Computer & Communications Industry Association (CCIA), I would like to express my strong support for your recent comments on the Digital Millennium Copyright Act (DMCA) and extend an offer to work with you to address our common concerns. From the outset of the debate on digital copyright issues, CCIA has long feared that there were portions of the DMCA that would have many unintended consequences, and unfortunately, these fears have begun to bear out.

CCIA is an association of computer, communications, Internet and technology companies that range from small entrepreneurial firms to some of the largest members of the industry. CCIA was founded over 30 years ago and our members include equipment manufacturers, software developers, providers of electronic commerce, networking, telecommunications and online services, resellers, systems integrators, and third-party vendors. Our member companies employ nearly one million people and generate annual revenues exceeding \$300 billion.

When the DMCA was being debated in Congress, we argued that many provisions were unworkable and needed to be modified in dramatic respects. Fortunately, we were able to help effectuate positive modifications to the legislation that allowed for substantial legitimate reverse engineering to promote interoperability, encryption research, security testing, safe harbors for ISPs, and other changes that were sorely lacking in original drafts. However, even with the ameliorative changes we were able to achieve, we were nonetheless concerned that some of the remaining provisions would have the effect of stifling free speech and innovation, hallmarks of the research process. As we feared, a great deal of research and innovation by scientists and academics has been stifled, either through direct threats, indirect warnings, or self-regulation for fear of transgressing the restrictions in the bill. We are extremely heartened that you highlighted this problem recently when you stated that the DMCA has "this potential chilling effect on vulnerability research."

We look forward to working with you and others on this issue in the coming months, and it is our strong hope that the DMCA can be modified to allow for all legitimate research in computer security, as well as other legitimate research. We will soon be submitting our formal response to the draft cyber-security plan, but we believe the subject you highlighted is clearly an area that deserves greater attention, and we would be encouraged to see it prominently placed in the final report.

Please let me know if we can provide any assistance to you or your staff by either contacting myself or Gabe Rubin of my staff at (202)783-0070 x 107. It is our strong hope that as many of the pitfalls of the DMCA are exposed, the private sector, the Administration, and Congress can work together to achieve a more balanced and thoughtful solutions to the issues the DMCA attempts to address.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Black". The signature is fluid and cursive, with a large initial "E" and "B".

Ed Black
President & CEO