Michael A. Rolenz
10 February 2003
 "Exemption to Prohibition on Circumvention of Copyright Protection Systems for
Access Control Technologies"

Reply comments in support and amplification to Comment #40 of Jeff Grove- U.S.
Public Policy Committee of the Association for Computing Machinery

2. Descriptive Name Class :
       Literary works, including computer programs and databases, protected by access
control mechanisms that fail to permit access to recognize shortcomings in security
systems, to defend patents and copyrights, to discover and fix dangerous bugs in code, or
to conduct forms of desired educational activities..

Summary:

The USACM postulates the following legitimate activity prevented by section
1201(a)(1):

A financial institution received a digital object protected by code obfuscation
using means other than encryption. Employees of the firm suspected it contained a
highly destructive computer virus or worm. The only way to find out if these
suspicions were valid would be to circumvent the obfuscation techniques to see
what the code actually did. Because the code --including a possible virus --
qualifies as an "original work of authorship," the act of its circumvention is
prohibited.

This is not a postulate of a theoretical problem but the manifestation of the
spyware discussed in comment #14 an in a reply comment.

Facts and evidence:

See Reply comments in support and amplification to Comment #14 of Michael A.
Rolenz.

Argument:

See Reply comments in support and amplification to Comment #14 of Michael A.
Rolenz.