

Regan A. Smith
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United States Copyright Office
Library of Congress
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regans@copyright.gov

May 14, 2021

VIA EMAIL

Dear Ms. Smith:

Thank you for your letter of April 16, 2021 regarding the discussion of Software Freedom Conservancy's petition at the hearing on Proposed Class 13 (Computer Programs — Security Research) as part of the Copyright Office's Section 1201 rulemaking proceeding. As you requested, all participants in that hearing have conferred regarding the applicability of the existing security research exemption to privacy-related research. The undersigned agree the existing exemption covers testing, investigating, and correcting security flaws or vulnerabilities comprising or related to the unauthorized disclosure or collection of personal information.*

While the parties are pleased to have reached agreement on this particular issue, this agreement is limited to the topic of "privacy-related research" raised in the Office's April 16, 2021 letter. This agreement does not otherwise address the scope of good-faith security research. Each party's respective proposals, objections, and comments regarding other aspects of the Class 13 exemption, whether in written comments or in oral testimony, should not be viewed as prejudiced by this narrow agreement, and remain active for consideration by the Copyright Office.

** Counsel for the Joint Creators and Copyright Owners ("JCCO") and the Software and Information Industry Association (SIIA) fully participated in the meet and confer process but JCCO and SIIA do not endorse the language submitted in this letter.*

[Signatures on following page.]

Sincerely,

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