ELECTRONIC FRONTIER FOUNDATION
Protecting Rights and Defending Freedom on the Electronic Frontier eff.org

How Would TPP Further Criminalize Security Research?

The Trans-Pacific Partnership (TPP) is a sprawling international trade agreement currently being negotiated in secret meetings between government and industry representatives around the world. State leaders claim that it's focused on "high-level" trade regulations for job growth and the economy. But in fact, the TPP carries extreme DRM enforcement provisions would have profound chilling effects on hackers and security researchers.

The problem stems from the so-called "anti-circumvention" rules that have appeared in leaked drafts of the agreement. That language embraces and extends a controversial clause of U.S. copyright law that makes it illegal to bypass technical measures that are put in place to restrict copyrighted content— such as measures that limit the number of devices on which you can play a video you legally purchased.

Even if you are bypassing those restrictions for reasons that don't violate copyright law, you could still get caught in the anti-circumvention net. Anti-circumvention rules are supposedly intended to limit "piracy." But in effect, they allow publishers, studios, and other distributors to write their own private laws to enforce restrictions on how people can use their legally purchased media.

Why You Should Be Worried About TPP

Your devices — like cell phones, tablets, game consoles, and even increasingly integrated computer systems in cars — come locked down with software handcuffs that can be a crime to break.

- TPP compels countries to **criminalize** sharing tools or resources to circumvent DRM, whether or not they knew that doing so was illegal. Even you'd simply like to share your entire process for figuring out a security flaw and that includes the methods to break DRM on a device, the proponents of TPP want it to be illegal for you to do so.

- Like the U.S. Digital Millennium Copyright Act (DMCA), the TPP's anti-circumvention provisions do compel governments to add a limited exemption for reverse engineers, encryption research and security researchers. However, it also has tight limitations that make these exemptions ineffective in many cases. For example, it says that security researchers are required to **seek "authorization"** before they can break DRM to test the technology. Not only is this extremely burdensome, it's an active deterrence for researchers who don't want to call attention to the work they're interested in doing, especially if that authorization is denied.

The DMCA's history of stifling security research should be a warning, not a guide. TPP would make a bad situation worse by locking these anti-circumvention rules in place in the countries that already have them, and expanding them to the ones that don't. For more information about the TPP, visit www.eff.org/issues/tpp

Support EFF and become a member today! www.eff.org/support