

ELECTRONIC FRONTIER FOUNDATION

Annual Report

2008-2009

EFF thanks the following individuals, companies, and foundations for their support:

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COMPANIES

5AM Solutions, Inc.
BlackHat Communications, Inc.
Consumer Electronics Association
Howrey LLP
Keker & Van Nest LLP
Laughing Squid
No Starch Press
RobotsAndMonsters.org
SideReel
Snap.com
TCHO
TidBITS Publishing Inc.
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FOUNDATIONS

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Letter from the Director

Dear Friend of Freedom,

As the Electronic Frontier Foundation (EFF) stands on the threshold of our 20th anniversary, I've been marveling at the foresight of our founders. In 1990, they correctly predicted that we would need a strong organization to protect our rights as we moved into the age of electronic speech. In creating EFF they promised:

"[I]n the litigations and political debates which are certain to follow, we will endeavor to assure that . . . electronic speech is protected as certainly as any opinions which are printed or, for that matter, screamed. We will make an effort to clarify issues surrounding the distribution of intellectual property. And we will help to create for America a future which is as blessed by the Bill of Rights as its past has been."

*The conclusion to Crime and Puzzlement
EFF co-founder John Perry Barlow
Friday, June 8, 1990*

More than 19 years later, I'm proud to report that EFF remains true to that early promise and is stronger than ever. During this past year, we challenged the government programs that snatch copies of the electronic speech of millions of innocent Americans without a warrant, undermining the core protections of our Bill of Rights. We used the Freedom of Information Act to uncover corporate and presidential influence over Congress in attempts to curtail those very same rights. We promoted innovation and safeguarded the rights of curious tinkerers and hackers on the digital frontier.

We also remained true to our promise to help define the parameters of intellectual property law in the digital age. We stood up for electronic speech on websites and in videos in the face of multiple attempts to censor through the use of bogus copyright and trademark claims. We confirmed that the "first sale doctrine" is alive and well in Cyberspace. And we fought for your rights to "rip" DVDs for video remixes and other fair uses, to "jailbreak" your cell phone to run applications of your choice, and to "unlock" your phone so that you can use it on the network of your choice.

In short, the pages of this report highlight the work EFF has been doing to make sure the Bill of Rights continues to bless America's future.

But we can't continue this fight without your help.

If you've already given to EFF this year, thank you for your support. If you haven't, or if you have the ability to give a little more, please consider making a donation today.

Sincerely,



Shari Steele, Executive Director
Electronic Frontier Foundation

eff.org/support

Privacy



EFF has been working since our founding to ensure proper judicial oversight of the government to preserve the privacy of electronic communications. Over the past year, EFF has filed lawsuits and amicus briefs to ensure that government does not abuse its power and trample all over our rights.

Challenging the NSA's Warrantless Surveillance: *Jewel v. NSA* and *Hepting v. AT&T*

In September 2008, EFF sued the National Security Agency (NSA) and other government agencies to end the surveillance of millions of ordinary Americans and hold the government officials who illegally authorized it accountable. *Jewel v. NSA* builds on EFF's work in *Hepting v. AT&T*, our class action lawsuit against the telecom giant for illegally assisting in the NSA program. After over three years of litigation, that case was dismissed by the district court in June 2009 based on the retroactive immunity provisions of 2008's FISA Amendments Act, a bill that EFF lobbied tirelessly to stop. EFF has appealed that decision to the Ninth Circuit Court of Appeals, arguing that the immunity law violated the constitutional rights of AT&T customers and usurped the courts' constitutional role under the principle of separation of powers.

Urging Congress to Protect Your Digital Privacy at the Border

While the U.S. Supreme Court has ruled that customs and border agents may perform "routine" searches at the border without warrants or even reasonable suspicion, at a June 2008 Senate Judiciary hearing EFF argued that random and invasive searches of Americans' laptops, cell phones, and other digital devices as they come home from overseas travel are not "routine," and copying data should be analyzed as a Fourth Amendment seizure. EFF also urged more congressional investigation and oversight of the Department of Homeland Security's border search practices and policies.

Fighting Cell Phone Tracking

In August 2008, EFF successfully convinced a federal district court in Pennsylvania that the privacy of

location records stored by mobile phone providers is protected by the Fourth Amendment and requires the government to obtain a search warrant based on probable cause before that data can be seized. The government appealed that decision, and EFF filed an amicus brief with the Third Circuit Court of Appeals. We are now waiting on the circuit court's decision.

Protecting the Privacy of Your Email

As part of a criminal investigation, the Department of Justice ordered an email provider to prospectively preserve copies of an individual's future emails using a subpoena and a non-probable cause court order. In June 2009, EFF filed an amicus brief in Steven Warshak's appeal, arguing that the Fourth Amendment and federal privacy laws required law enforcement officers to get court-issued warrants particularly describing the stored email messages they wished to seize. We await the court's decision.

Teaching Surveillance Self-Defense

In March 2009, EFF launched Surveillance Self-Defense (SSD), an online guide for protecting your private data against government spying. SSD details what the government can legally do to spy on your computer data and communications, and what you can legally do to protect yourself against such spying. It addresses how to protect not only the data stored on your computer, but also the data you communicate over the phone or the Internet and data about your communications stored by third party service providers. In June 2009, spurred by the role that the Internet played in protests surrounding the Iranian elections, EFF also released SSD International (SSDI), a version of SSD targeted at foreign dissidents and those who want to help them.

Free Speech



Ironically, the most dangerous threats to free speech recently have come from misuse of copyright law. The Digital Millennium Copyright Act (DMCA) contains provisions that grant service providers immunity from liability if they take down challenged content, but the law provides no incentives for resisting the take down of legitimate speech. Misuse of the DMCA was a key factor that led to EFF launching two new projects: No Downtime for Free Speech Campaign and the Coders' Rights Project.

No Downtime for Free Speech Campaign

Whether you are quoting someone on your blog, inserting clips of CNN into your own video news report, or using a song sample in a musical parody, your free speech often depends on incorporating and referencing other people's creations as part of your own. The courts call this "fair use," and strong legal precedents exist to protect the limited use of copyrighted material in your work when you do so for expressive purposes. In June of 2008, EFF launched our No Downtime for Free Speech campaign to fight the misuse of the DMCA in demanding that material be removed from the Internet without providing any proof of infringement.

In June 2008, YouTube shut down the account of animal welfare group Showing Animals Respect and Kindness (SHARK) in response to 13 DMCA takedown demands filed by the Professional Rodeo Cowboys Association (PRCA). The videos, recorded by SHARK to document animal abuse, injuries and deaths, were removed even though PRCA had no copyright claim in them. EFF represented SHARK and drafted the subsequent settlement in February of 2009, which protected the advocates' right to publicize their critiques and created a model procedure for avoiding takedown abuse.

In September 2008, EFF and Public Citizen, Public Knowledge and the Citizen Media Law Project urged a federal judge in Chicago to dismiss a suit filed by law firm Jones Day against real estate news site Blockshopper.com that alleged using its trademark "Jones Day" to refer to the firm and linking to the Jones Day website could lead to confusion over the sponsorship of the site. Unfortunately, the case settled in February of 2009 when Blockshopper

changed its links to conform to Jones Day's requirements.

In July 2008, a federal district court dismissed a lawsuit against the Council on American-Islamic Relations (CAIR) filed by radio talk show host Michael Savage after EFF and the law firm of Davis Wright Tremaine LLP argued that use of excerpts from Savage's radio program to criticize him and the content of his show was a protected fair use under copyright law and that Savage's claims were meritless.

Coders' Rights Project

Security and encryption researchers help build a safer future for all of us, yet legitimate researchers often face serious legal challenges that prevent or inhibit their work. In August of 2008, EFF launched the Coders' Rights Project to promote innovation and safeguard the rights of curious tinkerers and hackers on the digital frontier.

Less than a week after the project's launch, EFF defended three students from the Massachusetts Institute of Technology (MIT) after they were ordered by a federal court judge to cancel their scheduled presentation at a security conference about vulnerabilities in Boston's transit fare payment system, thus violating their First Amendment right to discuss their important research. The Massachusetts Bay Transit Authority (MBTA) and students settled the case in December, agreeing to work together to identify vulnerabilities to improve security in the MBTA's Automated Fare Collection System.

Intellectual Property



Intellectual property law in the digital age has been used to impede fair use, competition, innovation, free expression, and scientific research. EFF continues to advocate for laws that maintain the delicate balance between the rights of users and the rights of content owners.

Protecting the First Sale Doctrine

The "first sale" doctrine expresses one of the most important limitations on the reach of copyright law: once you've acquired a lawfully-made CD, book or DVD, you can lend, sell, or give it away without having to get permission from the copyright owner. The copyright industries have never liked first sale, since it creates competition for their titles and restricts their ability to place limits on how you use their works, and the doctrine has been under siege in the digital era.

In June 2008, EFF won a major victory for the first sale doctrine when a district court dismissed a lawsuit filed by Universal Music Group (UMG) against Troy Augusto for selling on eBay promotional CDs that he had legitimately purchased from used record stores. The court held that Augusto had the right to resell them under the first sale doctrine, even though they had been stamped "Not for Resale," because UMG had effectively given the CDs away. UMG has appealed the decision to the Ninth Circuit Court of Appeals.

RIAA v. The People

In September 2008, EFF released "RIAA v. The People: Five Years Later," a comprehensive overview of the Recording Industry Association of America (RIAA)'s litigation campaign against music fans, which concludes that the litigation has hurt artists and their fans without making a dent in unauthorized file-sharing. The report notes increasing skepticism by courts, academics and state watchdog groups about the RIAA's investigation tactics and legal theories.

Unintended Consequences

In October 2008, EFF released "Unintended Consequences: Ten Years Under the DMCA," a report to mark the tenth anniversary of the Digital Millennium Copyright Act (DMCA). "Unintended Consequences" documents the ways in which this controversial law has

harmed fair use, free speech, scientific research, and legitimate competition with its ban on "circumventing" digital rights management (DRM) and "other technical protection measures."

DMCA Rulemaking

Every three years, the U.S. Copyright Office convenes a rulemaking to consider granting exemptions to the DMCA's ban on circumvention to mitigate the harms the law has caused to legitimate, non-infringing uses of copyrighted materials. For the 2009 rulemaking, EFF filed three exemption requests:

- An exemption for amateur creators who use excerpts from DVDs in order to create new, noncommercial works. Hollywood takes the view that "ripping" DVDs is always a violation of the DMCA, no matter the purpose. This exemption request was aimed at protecting the video remix culture currently thriving on Internet sites like YouTube.
- An exemption for cell phone "jailbreaking" -- liberating iPhones and other handsets to run applications from sources other than those approved by the phone maker. Hundreds of thousands of iPhone owners have "jailbroken" their iPhones in order to use applications obtained from sources other than Apple's own iTunes "App Store." In conjunction with the rulemaking, EFF launched FreeYourPhone.org, where over 8,200 cell phone owners were able to sign EFF's petition and share their stories as part of our submission.
- Renewal of an exemption for unlocking cell phones so the handsets can be used with any telecommunications carrier. Carriers have threatened cell phone unlockers under the DMCA to protect their anti-competitive business models, even though there is no copyright infringement involved in the unlocking. Instead, the digital locks on cell phones make it harder to resell, reuse, or recycle the handsets.

Innovation



Innovation is inextricably tied to freedom of speech, and EFF works to protect innovators from established businesses that use the law to stifle creativity and kill competition.

Protecting Innovators from Entrenched Interests

In September 2008, EFF and a coalition of industry and public interest groups filed an amicus brief in *Arista v. LimeWire*, urging the court to not chill technological innovation and to reaffirm that developers should not be held liable for copyright infringement based on misuses of their technology that they did not actively promote. We await the court's decision.

In April 2009, EFF filed suit against Apple, Inc., to defend the First Amendment rights of an operator of a noncommercial, public Internet "wiki" site known as Bluwiki. The skirmish involved a set of anonymously authored wiki pages in which hobbyists were discussing how to "sync" media to iPods and iPhones using music library playback software other than Apple's own iTunes. In July 2009, Apple withdrew its objections to the pages, and EFF dropped the lawsuit.

Fighting Against Overbroad Patents

While patent rights were designed to promote useful innovation, over the past decade the U.S. Patent and Trademark Office (PTO) has been inundated with applications for so-called "inventions" that are neither innovative nor useful. Over the past year, EFF has advocated for patent reform through casework and reexamination of bogus patents.

Casework

In April 2008, EFF signed on to an amicus brief in *In re Bilski*, a landmark case that may decide whether "business methods"—processes and procedures—are patentable. The federal circuit court found that Bilski's method was not patentable. Bilski appealed, and the U.S. Supreme Court agreed to review the case in June 2009. EFF and friends submitted another amicus brief in October 2009.

In June 2008, the U.S. Supreme Court issued a unanimous ruling in *Quanta v. LG Electronics*, reaffirming the patent exhaustion doctrine, which entitles consumers

to use, repair, or resell patented products they had purchased. EFF had filed an amicus brief urging the Court to reaffirm the doctrine.

Patent Busting Project

EFF launched our Patent Busting project in April 2004 to challenge patents that threaten Internet innovation and free expression through the U.S. Patent and Trademark Office (PTO)'s "re-examination" process. Patent Busting continued its successes over the past year:

- **Ideaflood/Hoshiko Patent — Busted June 16, 2009**

The PTO announced it would revoke a patent on a system for allowing users of a network to create and retrieve information from a personally-named subdomain, such as "action.eff.org." We were fortunate to have proof of prior work by the open-source community.

- **Seer Systems Patent — Non-Final Rejection July 23, 2009**

The PTO issued a "Non-Final Office Action" rejecting the claims of a patent for a system and method for joining different musical data types together in a file, distributing them over the Internet, and then playing that file. EFF showed that descriptions of this technology were published a number of times before Seer Systems made its claim—including publication in a book written by Seer's own founder and the named inventor of the patent, Stanley Junglieb. Enforcement of the Seer patent had threatened to compromise at least two public media standards, MPEG4 and XMF.

- **NeoMedia Patent — Narrowed February 18, 2009**

The PTO announced that it was reissuing a narrower patent to NeoMedia Technologies, Inc., for systems that provide information over computer networks using database-like lookup procedures that rely on scanned inputs, such as a barcodes. The announcement was a limited win for EFF--the scope of the patent was pared back but not busted.

Transparency



Emerging technologies have the potential to create a more democratic relationship between public institutions and the citizens they serve. EFF has several projects that foster and promote the creation and use of legal and technical tools to allow the public to closely examine government and corporate entities and to hold them accountable for deception, censorship and corruption.

FOIA Litigation for Accountable Government (FLAG) Project

EFF's FLAG Project employs the Freedom of Information Act (FOIA) to expose the government's expanding use of new technologies in ways that compromise individual liberties. By filing dozens of FOIA requests each year, the project helps to hold the government accountable. A couple of our notable FOIA filings include:

- **Telecom Lobbying Records**

Since the fall of 2007, EFF has filed four lawsuits against the Department of Justice (DOJ) and the Office of the Director of National Intelligence (ODNI) reflecting the telecommunications industry's lobbying for legislation releasing them from legal liability for their role in the government's unlawful surveillance of millions of Americans. We have thusfar received thousands of pages of records, and we're currently challenging some of the government's withholdings, including the government's unprecedented invocations of the presidential communications privilege.

- **Uncovering Travelers' "Risk Assessment" Scores**

In July of 2008, EFF filed suit on behalf of Sophia In 't Veld, a Member of the European Parliament, against the Homeland Security, Justice and State Departments after they refused to release records about her "risk assessment" score and other information gathered about her during her international travels. EFF filed the lawsuit after we learned that the US and European Union were about to finalize an agreement authorizing the transatlantic exchange of large amounts of personal data.

In March 2009, EFF launched a sophisticated search tool that enables visitors to EFF's website to conduct keyword searches across the universe of government documents obtained by EFF, maximizing the value of the material.

Test Your ISP

After learning that some Internet service providers had been engaging in covert traffic filtering of subscribers' Internet communications based on the software application the subscribers were using, EFF created our Test Your ISP project in August of 2008. Test Your ISP enables Internet users to test the integrity of their Internet communications by providing links to known ISP testing tools, including our own open source tool, Switzerland. In addition to those links, EFF's website collects white papers, blog entries, and other materials related to this ongoing project.

Increasing Voting Transparency

EFF's Total Election Awareness (TEA) project provides information to voters and rigorously tracks problems in United States elections. On Election Day 2008, a year-long collaboration between EFF and the Election Protection Coalition came to fruition when OurVoteLive.org, powered by TEA, helped thousands of hotline operators and legal response teams document and respond in real time to over 86,000 calls to the 866-OUR-VOTE voter-assistance hotline. The OurVoteLive.org website now contains a database of voting-related inquiries, problems, and discrepancies recorded during this effort, all visible to and searchable by the general public.

International



The Internet is global, and so are threats to online freedom. EFF is very involved in international battles that affect digital rights.

Opposing Efforts to Monitor and Filter Internet Communications

Throughout 2008 and 2009, EFF combatted international efforts to institutionalize Internet filtering, “Three Strikes” Internet disconnection national laws, and mandatory disclosure by ISPs of their customers’ personal data. We helped draft and adopt the 2008 amendment to a European Parliament report that rejected “Three Strikes” termination policies as contrary to citizens’ fundamental rights, undermining access to knowledge, and impeding the democratic culture of the Internet. EFF advocated against these policies in international venues and helped to build broad coalitions to support global norms that protect the public interest against overbroad enforcement initiatives.

Copyright Watch National Copyright Laws Database

EFF built a database of national copyright laws from around the world that will be updated with commentary from a global network of copyright experts. The site will provide an early warning system for proposed bad laws and alternatives to those laws that would protect citizens’ digital rights and technology innovation. Copyright Watch was launched in November 2009, and was built in cooperation with Electronic Information for Libraries, the International Federation of Library Associations, and other global NGOs.

Sunlight for ACTA

The Anti-Counterfeiting Trade Agreement (ACTA) is a secret intellectual property enforcement treaty being negotiated between the U.S., the European Community, and many other countries, including Switzerland, Japan, Korea Australia, New Zealand, Mexico, Jordan, Morocco, Singapore, the United Arab Emirates and Canada. Originally announced as an agreement to target counterfeit products and to coordinate the practices of national customs agencies, leaked documents indicate that ACTA includes provisions that would increase Internet intermediary liability, regulate access to the Internet, and restrict new tools targetting “Internet

distribution and information technology.”

EFF led an activism campaign demanding that U.S. negotiators release information about ACTA. When our calls for transparency went unheeded, we sued the U.S. Trade Representative (USTR) under FOIA to obtain background negotiation documents. We continue to work with more than 100 public interest organizations worldwide to combat this terrible agreement.

Support for Activists and Dissidents Around the World

Over the past year, EFF provided advocacy advice, technical support, and activism assistance to like-minded organizations in Europe, Canada and Brazil. We also provided behind-the-scenes support to bloggers and human rights activists whose free speech rights were infringed by national censorship or denials of Internet service in Thailand, Hong Kong, Myanmar (Burma), China, and Morocco.

Access to Knowledge and Educational Initiatives

EFF continues to work with the global Access to Knowledge (A2K) community on several initiatives at the World Intellectual Property Organization (WIPO), including the Development Agenda, the WIPO Standing Committee on Copyright and Related Rights (where we help to lead efforts for establishing minimum standards for exceptions to and limitations on copyright) and the Treaty for the Visually Impaired.

EFF continued to work with the Yale Information Society Project to document copyright-related obstacles to education and the impact of contracts and overbroad technological protection on access to educational material. We also continued to collaborate with educators and activists in South America and West Africa to raise regional awareness of educational issues, with the goal of building capacity for domestic and international advocacy. We also worked on global norm-setting with innovations in technology and licensing in educational contexts.

2008-2009 PHOTOS

EFF Staff



From top left: Leticia Perez, Danny O'Brien, Aaron Jue, Chris Contolini, Gwen Hinze, Seth Schoen, Marcia Hofmann, Nate Cardozo, Kevin Bankston, Eddan Katz, Jennifer Granick. **From middle left:** Katina Bishop, Shari Steele, Sara Bassett, Kurt Opsahl, Cindy Cohn, Matt Zimmerman. **From bottom left:** Stuart Matthews, Alyssa Ralston, Peter Eckersley, Eva Galperin, Fred von Lohmann (with Loki), Corynne McSherry. **Missing:** Andrea Chiang, Hugh D'Andrade, Richard Esguerra, Rebecca Jeschke, Tim Jones, David Sobel, Lee Tien. (Photos on this page: Quinn Norton)

EFF Board of Directors



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Left column, top to bottom: AT&T whistleblower Mark Klein accepts his 2008 Pioneer Award (photo by Gabriel Lawrence); BoingBoing blogger and former EFF European Affairs Coordinator Cory Doctorow and io9 blogger and former EFF Policy Analyst Annalee Newitz chat after our inaugural Geek Reading (photo by Anita Hart); Legal Director Cindy Cohn presents at the 2008 Pioneer Awards (photo by Quinn Norton); MIT students Alessandro Chiesa, R.J. Ryan, and Zack Anderson listen at the EFF press conference surrounding their canceled DEFCON presentation (photo by Gabriel Lawrence).

Right column, top to bottom: an anonymous EFF supporter from Newark, Delaware makes a statement in our "Stop the Spying" campaign; Senior Staff Attorney Kevin Bankston, Legal Director Cindy Cohn, Executive Director Shari Steele, and Senior Staff Attorney Lee Tien represent EFF's Jewel and Hepting team for the February 2008 issue of California Lawyer (photo by Gary Laufman).

EFF in the News

EFF is proud to participate in media conversations about issues that affect digital civil liberties. EFF's work has been reported in the mainstream media, in publications directed towards technological and legal audiences, and in high-profile blogs. EFF lawyers, technologists and activists are quoted in the press approximately two or three times a day! Here is a small sampling of 100 stories that featured EFF in 2008 and early 2009. See our website at www.eff.org/press/mentions for a whole lot more.



PRIVACY

Groups Sue U.S. for Data On Tracking By Cellphone

WASHINGTON POST, JULY 6, 2008

Senate Bows to Bush, Approves Surveillance Bill

ASSOCIATED PRESS, JULY 9, 2008

Tracking Printers to Fight Crime

NEW YORK TIMES, JULY 24, 2008

US Border Agency Says It Can Seize Laptops

WASHINGTON POST, AUGUST 3, 2008

Rights Group Suing AT&T for Spying Will Sue Government Too

WIRED NEWS, AUGUST 22, 2008

Judge Limits Searches Using Cellphone Data

WASHINGTON POST, SEPTEMBER 12, 2008

EFF sues U.S. over NSA surveillance program

CNET NEWS.COM, SEPTEMBER 18, 2008

Long Haul Gets Computers Back, Wants UC to Delete Seized Info

BERKELEY DAILY PLANET, NOVEMBER 13, 2008

Early Test for Obama on Domestic Spying Views

NEW YORK TIMES, NOVEMBER 17, 2008

New machines scan IDs at border crossings

USA TODAY, NOVEMBER 23, 2008

Yahoo to purge user data after 90 days

LOS ANGELES TIMES, DECEMBER 17, 2008

Cookie use in YouTube videos on WhiteHouse.gov prompts privacy concerns

COMPUTERWORLD, JANUARY 28, 2009

Groups: Calif. DMV snuck in biometrics for driver's licenses

NETWORK WORLD, FEBRUARY 5, 2009

As Data Collecting Grows, Privacy Erodes

NEW YORK TIMES, FEBRUARY 16, 2009

Facebook Withdraws Changes in Data Use

NEW YORK TIMES, FEBRUARY 18, 2009

Police use of warrantless GPS tracking challenged

ASSOCIATED PRESS, MARCH 3, 2009

7 Ways to Stop Uncle Sam from Spying On You

ABCNEWS.COM, MARCH 5, 2009

Civil liberties hero of the week: Electronic Frontier Foundation

GUARDIAN UK, MARCH 6TH, 2009

Students Sue Prosecutor in Cellphone Photos Case

NEW YORK TIMES, MARCH 25, 2009

Obama's State Secrets Overreach

WASHINGTON POST, APRIL 9, 2009

US mulls stiffer sentences for common Net proxies

ASSOCIATED PRESS, APRIL 14, 2009

Senate panel to probe wiretapping violations

ASSOCIATED PRESS, APRIL 16, 2009

Boston College student challenges computer seizure

ASSOCIATED PRESS, MAY 13, 2009



FREE SPEECH

YouTube Ordered to Hand Over Viewing Data

SAN FRANCISCO CHRONICLE, JULY 4, 2008

Judge: Posting Shock Jock Clip to the Web is "Fair Use"

ARS TECHNICA, JULY 28, 2008

Online Political Ads Spark Copyright Battle

NATIONAL JOURNAL, NOVEMBER 12, 2008

EFF Defends Rights Of Parody Site Creator

MEDIAPOST, NOVEMBER 18, 2008

De Beers tries to force spoof news Web site offline over fake ad

COMPUTERWORLD, DECEMBER 4, 2008

Subway fare hackers to partner with transit agency

ASSOCIATED PRESS, DECEMBER 22, 2008

S.F. Yelp user faces lawsuit over review

SAN FRANCISCO CHRONICLE, JANUARY 8, 2009

Kentucky cannot seize Internet domain names, court says

COMPUTERWORLD, JANUARY 22, 2009

Rodeo group to pay \$25,000 for YouTube takedown requests

CNET NEWS.COM, FEBRUARY 12, 2009

Time to Shield Researchers

SECURITY FOCUS, MARCH 20, 2009

Apple Is Sued After Pressuring Open-source iTunes Project

PC WORLD, APRIL 27, 2009

Attorneys General Want Craigslist Clean-Up

CBS NEWS, MAY 5, 2009

Facebook's E-mail Censorship is Legally Dubious, Experts Say

WIRED NEWS, MAY 6, 2009

Tips for Gripe and Parody Sites on Avoiding Lawsuits

WALL STREET JOURNAL BLOGS, MAY 27, 2009



INTELLECTUAL PROPERTY

Judge: Copyright Owners Must Consider 'Fair Use' Before Sending Takedown Notice

WIRED NEWS, AUGUST 20, 2008

Suit Over Baby Vid with Prince Song Goes Forward

ZNET, AUGUST 24, 2008

Google And YouTube Need More Transparent Takedown Procedures

INFORMATION WEEK, AUGUST 25, 2008

Intellectual property bill passes in the House

CNET NEWS.COM, SEPTEMBER 29, 2008

Five Years of Failure: EFF Says RIAA Must Embrace New Model

ARS TECHNICA, OCTOBER 2, 2008

Bush Signs Controversial Anti-Piracy Law

WASHINGTON POST, OCTOBER 13, 2008

Apple uses DMCA against iPod interoperability project

GUARDIAN UK, NOVEMBER 28, 2008

EFF Seeks DMCA Exemption for iPhone Jailbreaking

E WEEK, DECEMBER 3RD, 2008

Recording industry to cut back on lawsuits

SAN FRANCISCO CHRONICLE, DECEMBER 20, 2008

Fox News Uses DMCA To Take Down Videos Used In Commentary

TECH DIRT, JANUARY 8, 2009

FreeYourPhone.org launches, pushes for new DMCA exemption

ARS TECHNICA, JANUARY 16, 2009

YouTube users caught in Warner Music spat

CNET NEWS.COM, JANUARY 27, 2009

EFF Explains Why You Should Be Allowed To Sell Promo CDs

TECH DIRT, JANUARY 29, 2009

EFF Mounts Fight Over YouTube Takedowns

BILLBOARD, FEBRUARY 4, 2009

Record Labels Turn ISPs Into 'Copyright Cops' to Deter Piracy

BLOOMBERG, FEBRUARY 13, 2009

Could You Go to Jail for Jailbreaking Your iPhone?

NEW YORK TIMES, FEBRUARY 13, 2009

As Rights Clash on YouTube, Some Music Vanishes

NEW YORK TIMES, MARCH 22, 2009

Songwriters rewrite bid for legalized file sharing

TORONTO STAR, MARCH 23, 2009

Hollywood in showdown over DVD 'ripper'

ASSOCIATED PRESS, APRIL 24, 2009

Documentarians, DVDs and the MPAA

LOS ANGELES TIMES, MAY 11, 2009

Unofficial Software Incurs Apple's Wrath

NEW YORK TIMES, MAY 12, 2009

All's Fair Under Fair Use?

FORBES, MAY 13TH, 2009

EFF Launches Copyright Curriculum To Counter RIAA Propaganda

TECH DIRT, MAY 28TH, 2009

ASCAP Brief Pushes Royalty For Ringtones

BILLBOARD, JUNE 22ND, 2009



INNOVATION

Now at Black Hat: A Lawyer to Vet Your Hacking

NETWORK WORLD, AUGUST 7, 2008

EFF: claim that consent needed for linking is "preposterous"

ARS TECHNICA, SEPTEMBER 23, 2008

EFF to court: Tread carefully when ruling on LimeWire

ARS TECHNICA, SEPTEMBER 29, 2008

Judge Halts RealDVD Sales Until at Least Tuesday

LOS ANGELES TIMES, OCTOBER 6, 2008

iPodhash project moves to Wikileaks following DMCA notice

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Patent Office presses rewind on broad digital music patent

ARS TECHNICA, JANUARY 8, 2009

USPTO overturns patent for virtual subdomains

ARS TECHNICA, JANUARY 21, 2009

Sentencing commission ponders extra jail time for proxy users

ARS TECHNICA, MARCH 19, 2009

Google must defend suit over ad keywords, court says

BLOOMBERG, APRIL 16, 2009

Senate Proposal Could Put Heavy Restrictions on Internet Freedoms

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Right-to-Repair Law Is Right On

WIRED NEWS, MAY 21, 2009

EFF Busts Another Bogus Patent... Five Years Later

TECH DIRT, JUNE 17, 2009



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EFF "Switzerland" packet monitor tool looks for ISP meddling

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Expanded Powers to Search Travelers at Border Detailed

WASHINGTON POST, SEPTEMBER 23, 2008

Voter Hot Line Upgraded for Election

PC WORLD, OCTOBER 11, 2008

EFF Gets Involved in Election Video Takedown Spat

PC MAGAZINE, OCTOBER 21, 2008

E-Voting Complaints Heat Up With Early Voting

INFORMATIONWEEK, OCTOBER 27, 2008

FOIA docs show feds can lojack mobiles without telco help

ARS TECHNICA, NOVEMBER 16, 2008

A DIY Test For Your Broadband Provider's Net Neutrality

WALL STREET JOURNAL, JANUARY 16, 2009

Can websites that I'm not visiting still track me?

POPULAR SCIENCE, MARCH 9, 2009

New EFF search tool opens up FOIA documents

THE INDUSTRY STANDARD, MARCH 16, 2009

Federal data to be released unless harm foreseen

ASSOCIATED PRESS, MARCH 19, 2009

Search Tool Launched for Uncovered Government Documents

GOVERNMENT TECHNOLOGY, MARCH 23, 2009

Web site tracks policy changes at popular sites

ASSOCIATED PRESS, JUNE 4, 2009

Lawsuit Filed Over FBI Surveillance Docs

NATIONAL JOURNAL, JUNE 24, 2009



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European Lawmaker To Sue U.S. Over Data

WASHINGTON POST, JULY 1, 2008

Public Interest Groups Sue US Trade Representative Over 'Secret' Enforcement Treaty

IP WATCH, SEPTEMBER 18, 2008

Librarians Take The Copyright Battleground In Developing Countries

INTELLECTUAL PROPERTY WATCH, NOVEMBER 26, 2008

Biz travelers howl over US gov RFID's

REGISTER UK, DECEMBER 1, 2008

Vodafone's Child Porn Filter Blocks Innocent Czech Tech Blogs

PBS MEDIASHIFT, JANUARY 15, 2009

Irish ISP agrees to disconnect repeat P2P users

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Three Strikes and You're Offline: Music Industry, ISPs May Cut Internet Access for File-Sharers

FOX NEWS, MARCH 25, 2009

New Zealand Reconsiders Three-Strikes Rule on Internet Use

WALL STREET JOURNAL BLOGS, MARCH 26, 2009

Podcast: EFF on French rejection of piracy bill

CNET NEWS.COM, APRIL 9, 2009

Magid: Internet access too important to be cut off arbitrarily

SAN JOSE MERCURY NEWS, APRIL 13, 2009

Pirate Bay: Music file-sharing site's co-founder ordered to pay \$3.6 million, serve year in jail

CHICAGO TRIBUNE, APRIL 18, 2009

French File-Sharing Law Would Cut Internet Access

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Social-networking sites Twitter, Flickr go dark in China

USA TODAY, JUNE 2, 2009

We're All Iranians Now: US Online Spying...

TALKING POINTS MEMO, JUNE 23, 2009

Profit and Loss Standard

January through December 2008 – Ordinary Income/Expense

Income

Corporate Contributions	\$201,341.79
EFF Events	60,795.74
Foundation Grants	1,059,946.00
Individual Major Contributions	814,670.66
Interest Income	3,060.41
Litigation	66,605.30
Matching Gifts	33,912.65
Membership Income	967,036.34
Minor Donations	17,762.88
Federal & State Campaigns	42,544.63
Distribution from Endowment	74,079.00
Honorarium/Awards	2,275.18
Fiscal Sponsorship Contributions	79,221.00
Total Income	\$3,423,251.58

Expense

Salaries & Benefits	\$2,683,862.10
Building Expenses	228,852.90
Corporate Insurance	69,887.40
Office Expenses	130,031.71
Membership Expenses	55,905.06
Court Filing Fees	5,344.14
Bank & Credit Card Fees	50,336.82
Consultants	245,821.70
Staff & Board Enrichment	49,015.16
Travel & Entertainment	69,441.12
EFF Events	39,201.62
Grassroots Campaigning	63,648.00
Taxes	633.07
Fiscal Sponsorship Expense	138,812.74
Total Expense	\$3,830,793.54
Net Ordinary Income	\$-407,541.96

2008 proved to be a challenging year for fundraising. While EFF's expenses over the course of the year exceeded our income, the organization remained on stable footing due to strong fundraising years in 2006 and 2007.

About Us

From the Internet to the iPhone, technologies are transforming our society and empowering us as speakers, citizens, creators, and consumers. When our freedoms in the networked world come under attack, EFF is the first line of defense. EFF broke new ground when it was founded in 1990 — well before the Internet was on most people's radar — and continues to confront cutting-edge issues defending free speech, privacy, innovation, and consumer rights today. From the beginning, EFF has championed the public interest in every critical battle affecting digital rights.

Blending the expertise of lawyers, policy analysts, activists, and technologists, EFF achieves significant victories on behalf of consumers and the general public. EFF fights for freedom primarily in the courts, bringing and defending lawsuits even when that means taking on the U.S. government or large corporations. By mobilizing more than 80,000 concerned citizens through our Action Center, EFF beats back bad legislation. In addition to advising policymakers, EFF educates the press and public. Sometimes just defending technologies isn't enough, so EFF also supports the development of freedom-enhancing inventions.

Support EFF!

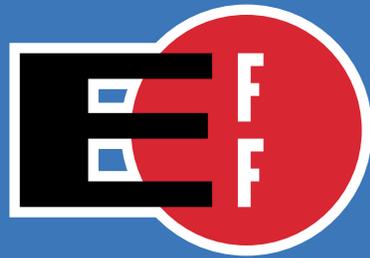
All of the important work EFF does would not be possible without the generous support of individuals like you. In 2008 and 2009, nearly half of our operating income came from individuals and members.

We try to make it easy for you to show your support, accepting everything from cash, check and credit card donations to Paypal and stock donations. We can set up automatic monthly distributions from your credit card, and we participate in many employer payroll deduction plans, including the Combined Federal Campaign (CFC).

We can work with you to include EFF in your estate — a simple way to support us while keeping your assets available to you while you need them. EFF also welcomes contributions to the EFF Endowment Fund for Digital Civil Liberties to ensure the long-term sustainability of the organization.

Please feel free to contact development@eff.org to learn more about how you can support our work. We are available to provide you with more information about various opportunities for supporting EFF that fit your financial and philanthropic goals.

Learn more on our site at: eff.org/support



eff.org

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