The Magnificence of the Disaster

Deirdre K. Mulligan
Samuelson Law, Technology & Public Policy Clinic
www.samuelsonclinic.org
Berkeley Center for Law and Technology
University of California School of Law, Berkeley (Boalt Hall)
Reasonable “speed bump” or Security and Privacy Nightmare?

First4Internet
  surreptitiously installed a rootkit

SunnComm
  installed over user’s rejection
  monitored and phoned home contrary to eula
  created backdoor (privilege escalation vulnerability)

Installers
  backdoor allowed drive-by downloads of code
Anatomy of a disaster

Standard technology: Autorun
Standard disclosures (for the most part)
Lack of concern for externalities
Users hampered by lack of usable privacy and security
Security researchers hampered by law
Why did this happen?
Why hide software?
Why bury terms?
Why create security holes?
Status quo, technology, & law

Digital Copying for Personal Use

CDs  DVDs

Expectations can become entrenched

Resilient Expectations
Disaster Avoidance

Disclosures
standardized, shorter, timing, manner

Limits
Costs of externalities = some exchanges should be prohibited

Containment and escape
need for sandboxes, virtual machines and uninstall
Lines of Defense

Security Researchers

Accountability (liability) for security risks

Usable Privacy and Security
What’s at stake?

drm facilitated offerings

End to end principle
Partners

Aaron Perzanowski (on this paper and on DMCA rulemaking and client advice)

Jens Grossklags and Nathan Good on experimental research on notices

Noticing Notice: A Large-Scale Experiment on the Timing of Software License Agreements (Good, Grossklags, Mulligan, Konstan) CHI 2007