# CDT Is Joined on Anti-Spyware Brief by A Wide Range of Groups and Companies

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In a <u>friend-of-the-court brief</u> [1] filed today, CDT argues that anti-spyware vendors should be protected by the liability protections afforded other filtering companies under the Communications Decency Act. CDT was joined by a broad spectrum of Internet and technology industry groups, public interest organizations, civil liberties groups and individual companies that are all committed to the proposition that users should be empowered to control their own Internet experiences.

The signatories - Anti-Spyware Coalition (ASC), Business Software Alliance, CAUCE North America, Inc., Center for Democracy & Technology, Electronic Frontier Foundation, McAfee, Inc., PC Tools Holdings Pty Ltd, and Sunbelt Software, Inc. - filed the brief in the federal 9th Circuit Court of Appeals in the case of Zango v. Kaspersky. In 2005, Zango sued Kaspersky Labs and PC Tools, two anti-spyware vendors, hoping to coerce the companies into removing their product from the list of spyware that each program blocks or warns users about. Zango withdrew its suit against PC Tools, but appealed an adverse lower court ruling in the Kaspersky case.

The brief urges the court to protect anti-spyware vendors from liability in cases brought by companies who make spyware of all kinds. The danger is that adware distributors will be able to use legal tactics to intimidate anti-spyware vendors into ignoring their software.

Anti-spyware programs allow users to choose and control the content that is displayed on their computer. They are the most important element in protecting users from the threat of spyware. In doing so, they must identify software that is likely to be unwanted, or may not properly disclose its behavior. In the thriving marketplace of anti-spyware products, each company evaluates software in order to determine what are objectionable or potentially unwanted programs.

### About the Center for Democracy & Technology:

The Center for Democracy & Technology is a non-profit public interest organization working to keep the Internet open, innovative, and free. With expertise in law, technology, and policy, CDT seeks practical solutions to enhance free expression and privacy in communications technologies. CDT is dedicated to building consensus among all parties interested in the future of the Internet and other new communications media.

### About the Anti-Spyware Coalition:

The Anti-Spyware Coalition (ASC) is a group dedicated to building a consensus about definitions and best practices in the debate surrounding spyware and other potentially unwanted technologies. Composed of anti-spyware software companies, academics, and consumer groups, the ASC seeks to bring together a diverse array of perspective on the problem of controlling spyware and other potentially unwanted technologies.

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## Links:

[1] http://cdt.org/privacy/spyware/20080505amicus.pdf