

# VFI Executive Briefing

## A weekly roundup of technology news

### October 31 – November 4, 2016

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## HILL UPDATE

Nothing new this week.

## SPECIAL COVERAGE

Nothing new this week.

## Article Summary

### Wall Street Journal [America Isn't Ready for a Cyberattack](#)

The recent cyberattack that rendered more than 1,200 websites unreachable was a warning. Experts say a similar, or larger, attack could be launched tomorrow, and we'd be powerless to prevent it. No one seems to know who was behind the attack, launched by a "botnet" of thousands of internet-connected devices. The Department of Homeland Security believes it wasn't another nation. That sounds reassuring, but is scary: It doesn't take a government or even a skillful hacker to make much of the internet inaccessible to millions. Anyone can buy similar capability for less than \$1,000.

### New York Times [The Stakes Are Rising in Google's Antitrust Fight With Europe](#)

Google is locked in a six-year battle with Europe's antitrust officials. And the stakes for both sides are getting higher. For Google, Europe's lengthy effort to rein in how the search giant operates in the region represents a potential threat to the billions of dollars it earns annually from selling online advertising and other, often dominant, digital services across the Continent and beyond. For Margrethe Vestager, the Danish politician turned European competition chief, the three cases against Google make up the most public — and longstanding — antitrust cases in the region.

### The Hill [Multibillion Apple tax bill spurs calls for reform](#)

Lawmakers are seizing on the European Union's multi-billion dollar ruling against Apple to push their case for tax reform. The August ruling that Apple owes Ireland more than \$14 billion in back taxes prompted lawmakers on both sides of the aisle to speak out about the need to overhaul the tax code. A bipartisan group of lawmakers is concerned the EU is trying to go after some of the \$2.6 trillion in foreign earnings by U.S. corporations held offshore.

### Wired [White House Prepares to Hand Over @POTUS to the Next POTUS](#)

EVERY PRESIDENT HAS faced a different set of challenges when it comes to transitioning to the next administration. But President Obama faces an altogether unique one: figuring out what happens to all his tweets, Instagram posts, and other social media accounts. After all, once he's no longer POTUS, he can no longer be @POTUS. Today the White House presented its plan for turning over the Obama

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administration's myriad social media accounts on Facebook, Twitter, Instagram, and more. Accounts like @POTUS on Twitter and the White House's Facebook page will belong to the next president and his or her staff, but they'll start fresh.

#### **Reuters** [Controversial Chinese cybersecurity law enters home stretch for approval](#)

Reuters reported on the [announcement](#) that the Chinese parliament completed the third and likely final review of its draft cybersecurity law that will enforce stronger government control of the Internet. Outlets highlighted concerns that the new law will require companies to store data locally and turn over encryption keys to the government

#### **Wired** [Ignore the Trolls: You Definitely Cannot Vote Via Text](#)

AMERICA'S ELECTORAL SYSTEM is already kind of a mess. Now, Twitter trolls are doing their best to make it even more confusing by spreading disinformation about how to cast a ballot on election day. The latest example: Donald Trump supporters are spreading memes on Twitter in both English and Spanish, trying to trick Hillary Clinton supporters into thinking they can vote by text. Don't fall for them. There's no such thing as voting by text. And that's a good thing. Technology has made people's lives easier in a million ways, but an actual paper trail is still pretty much a necessity in order to ensure elections are as secure and verifiable as possible.

#### **NBC News** [Putin Wants to Push Microsoft Out of Russia in Battle with U.S.](#)

NBC News aired a segment alleging that Russian President Vladimir Putin is attempting to ban Microsoft products from government offices and state-controlled companies as part of larger tensions between Russia and the U.S. NBC noted that Putin has made allegations that Microsoft aids the U.S. government in surveillance, which Microsoft flatly denies.

#### **The Hill** [French privacy groups challenge US-EU pact in court](#)

A nascent data-sharing pact between the United States and the European Union is facing another obstacle as privacy groups challenge the agreement in a European court. French privacy advocacy organization La Quadrature du Net, non-profit internet service provider French Data Network and its Federation FDN industry association have challenged the legality of the agreement, according to Reuters. Another privacy group, Digital Rights Ireland, challenged the legality of the Privacy Shield pact in October. The groups argue that attempts to curb U.S. surveillance are not enough and that the pact should be annulled.

#### **Bloomberg BNA** [Issa Re-election Loss Could Shake Up IP Legislation](#)

The members of Congress most involved with intellectual property issues appear to be safe bets for re-election, with one notable exception. Rep. Darrell Issa (R-Calif.) is in a tight race in California's 49th Congressional District, rated a toss-up by at least three pollsters—Sabato's Crystal Ball, the Cook Political Report and Ballotpedia. Issa chairs the House subcommittee most responsible for initiating IP bills—the Judiciary Committee's Courts, Intellectual Property and the Internet Subcommittee. The subcommittee also typically conducts hearings—four in 2016—on concerns to the IP community.

#### **New York Times** [Google Rebuts Antitrust Claims in Europe](#)

To many Europeans, Google represents Silicon Valley's perceived stranglehold on the digital world.

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But on Thursday, the American search giant tried to portray itself as a stalwart of online competition as it responded to European antitrust charges that it had restricted consumers' choices and hamstrung its competitors. The back-and-forth between Google and Margrethe Vestager, Europe's top antitrust official, highlights the increasing stakes in three competition cases against the search giant, the earliest of which dates to 2010. The standoff is likely to define Europe's often weary relationship with American technology companies like Amazon, Apple and Facebook for years to come.

#### **The Guardian** [Quebec scandal of spying on journalists widens to national broadcaster](#)

Following reports earlier this week regarding the undercover tracking of a Canadian reporter's phone by Montreal Police, new coverage from [The Guardian](#) revealed that six more reporters were also subjected to secret police surveillance. According to press reports, some of the targeted journalists speculated that police were attempting to locate the source of a leak concerning a criminal investigation into a prominent labor leader in 2013.

#### **The Economist** [Lost in the splinternet](#)

The Economist published an article examining the Right to be Forgotten legislation as part of a wider trend towards the fragmentation of the internet, or "splinternet." The piece argues that if left unchecked, the tangle of often conflicting national or regional rules in the digital world would cause "economic damage, hamper digital innovation, and restrict free speech." As an example of the "splinternet," the piece discusses the challenges that cross-border data laws have posed for governments attempting to obtain data held in foreign countries.

#### **IPWatchdog** [Inventors Protest California Congressman Darrell Issa](#)

In my 54 years, I've never protested anything. I've complained to my friends and family and sometimes to a few unfortunate strangers. So this has been the first time publicly protesting anything for me. It's also the first time for Adrian Pelkus, who has joined the US Inventor Board of Directors and most of inventors who joined us from the San Diego Inventors Forum. It's a weird feeling holding a sign, waving, smiling and chanting as cars drive by. Many honked and waved back, gave us a thumbs up or yelled their support out the window. I was pleasantly surprised at the number of people who took the time to stop and ask us questions.

#### **Computer Weekly** [Cyber security image putting women and girls off, says panel](#)

"We need to change the way the profession is perceived and emphasise that it is about helping and protecting people," said Lynda Grindstaff, speaking at Intel Focus 2016 in Las Vegas. [...] Educating girls and women is only part of the solution, said Depew. "We also have to change security culture in organisations to ensure that there are incentives for women to join and that it is easier for women to see and take up the opportunities," she said.

## Notable Quotes

*"The Fourth Amendment plain view standard doesn't allow a seizure of emails based on a mere we-hope-to-later-determine standard. The government can't seize the emails just because the Clinton investigation is extra important and any possible evidence is worth considering. Rather, the Fourth*

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*Amendment requires the initial look at the emails to generate “immediate” probable cause that they are evidence of a crime first, before their seizure is permitted and used to get a second warrant.”*

-- [Orin Kerr, law professor, George Washington University](#)

*“We support encryption. Encryption is a legitimate and important asset for companies, individuals, governments, and private individuals to be able to have a right of access to, but we are not supporting back doors. We are not looking for back doors. That is not the policy of the government, but on occasion there will be a question mark about national security and whether or not there is a level of cooperation under certain circumstances with probable cause, with the showing of urgency.”*

– [Secretary of State John Kerry](#)

*“From now on, local police can decide they don’t like what a journalist has been reporting and go to a justice of the peace, who’ll say, ‘Sounds great. Look at the GPS on his phone, figure out everywhere he’s been traveling, figure out anyone he’s communicated with. No, you can’t actually read his emails, you can’t actually listen to his calls, but you can find out anyone he met with, who did he call, how long he was on the phone with them.”*

– [Edward Snowden in a speech at McGill University](#)

*“A complication is the conflict over jurisdiction, whereby laws in one country are irreconcilable with those in another. The problem is fed, in turn, by the fact that governments struggle to obtain data held in foreign countries, notably America, where most of them are stored. Foreign law-enforcement agencies, even those from friendly democratic countries, must go through a cumbersome procedure to secure a warrant from an American judge before asking companies to hand over data.”*

– [The Economist Regarding The Right to be Forgotten](#)

## Social Highlights

- **@mattblaze:** [@OrinKerr I suspect most of the email content wasn't actually on the laptop itself but on a server, and what the FBI found was an index.](#)
- **@OrinKerr:** [Does the 4th Amendment allow the FBI to expand the Anthony Weiner search to target Clinton's emails?](#)
- **@ReutersTech:** [Controversial Chinese cybersecurity law enters home stretch for approval](#)
- **@Snowden:** [Are you a journalist? The police spying on you specifically to ID your sources isn't a hypothetical. This is today.](#)
- **@ReutersTech:** [Airbnb tells China users personal data to be stored locally](#)
- **@julia\_fioretti:** [EU-U.S. personal data pact faces second legal challenge from privacy groups #PrivacyShield via @Reuters](#)

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- **@murpharoo:** [Productivity Commission wants Australians to be given right to opt out of data collection - very interesting story](#)
- **@trevortimm:** [Wow. The police \\*union\\* in Montreal is calling for the police chief to resign over a spying-on-journalists scandal](#)
- **@JameelJaffer:** [Canadian spies concealed far-reaching surveillance program from court tasked with overseeing them.](#)
- **@josephfcox:** [Ron Wyden calls for more oversight of the FBI after recent disclosures](#)