

Dated: August 25, 2015.

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DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Multistakeholder Process To Promote Collaboration on Vulnerability Research Disclosure

AGENCY: National Telecommunications
and Information Administration,
Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National
Telecommunications and Information
Administration (NTIA) will convene
meetings of a multistakeholder process
concerning the collaboration between
security researchers and software and
system developers and owners to
address security vulnerability
disclosure. This Notice announces the
first meeting, which is scheduled for
September 29, 2015.

DATES: The meeting will be held on
September 29, 2015, from 9:00 a.m. to
3:00 p.m., Pacific Time. See
SUPPLEMENTARY INFORMATION for details.

ADDRESSES: The meeting will be held in
the Booth Auditorium at the University
of California, Berkeley, School of Law,
Boalt Hall, Bancroft Way and Piedmont
Avenue, Berkeley, CA 94720-7200.

FOR FURTHER INFORMATION CONTACT:

Allan Friedman, National
Telecommunications and Information
Administration, U.S. Department of
Commerce, 1401 Constitution Avenue
NW., Room 4725, Washington, DC
20230; telephone (202) 482-4281; email:
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media inquiries to NTIA's Office of
Public Affairs, (202) 482-7002; email
press@ntia.doc.gov.

SUPPLEMENTARY INFORMATION:

Background: On March 19, 2015, the
National Telecommunications and
Information Administration, working
with the Department of Commerce's
Internet Policy Task Force (IPTF),
issued a Request for Comment to
"identify substantive cybersecurity
issues that affect the digital ecosystem
and digital economic growth where
broad consensus, coordinated action,
and the development of best practices
could substantially improve security for

organizations and consumers."¹ This
Request built on earlier work from the
Department, including the 2011 Green
Paper *Cybersecurity, Innovation, and
the Internet Economy*,² as well as
comments the Department had received
on related issues.³

The IPTF asked for suggestions of
security challenges that an NTIA-
convened multistakeholder group could
address, and offered a dozen potential
topics for explicit feedback.⁴ We
received 35 comments from a range of
stakeholders, including trade
associations, large companies,
cybersecurity startups, civil society
organizations and independent
computer security experts.⁵ The
comments highlight a range of issues
that might be addressed through the
multistakeholder process and suggest
various ways in which the group's work
could be structured.

Of the topics suggested, the challenge
of collaboration between security
researchers and system and software
vendors stands out as a critical issue
where reaching some consensus on
shared goals, principles, and practices is
both feasible and necessary. On July 9,
2015, after reviewing the comments,
NTIA announced that the first issue to
be addressed would be "collaboration
on vulnerability research disclosure."⁶
While this is not the first discussion on
the topic, stakeholders have presented
the case that the time is right to make
further progress among ecosystem
players by achieving consensus and a
commitment to baseline principles and
accepted practices.

This issue is commonly referred to as
the question of "vulnerability
disclosure." For as long as humans have

¹ U.S. Department of Commerce, Internet Policy
Task Force, Request for Public Comment,
Stakeholder Engagement on Cybersecurity in the
Digital Ecosystem, 80 FR 14360, Docket No.
150312253-5253-01 (Mar. 19, 2015), available at:
http://www.ntia.doc.gov/files/ntia/publications/cybersecurity_rfc_03192015.pdf.

² U.S. Department of Commerce, Internet Policy
Task Force, *Cybersecurity, Innovation, and the
Internet Economy* (June 2011) (Green Paper),
available at: http://www.nist.gov/itl/upload/Cybersecurity_Green-Paper_FinalVersion.pdf.

³ See Comments Received in Response to **Federal
Register** Notice Developing a Framework for
Improving Critical Infrastructure Cybersecurity,
Docket No. 140721609-4609-01, available at:
http://csrc.nist.gov/cyberframework/rfi_comments_10_2014.html.

⁴ Request for Public Comment, *supra* note 1.

⁵ NTIA has posted the public comments received
at <http://www.ntia.doc.gov/federal-register-notice/2015/comments-stakeholder-engagement-cybersecurity-digital-ecosystem>.

⁶ NTIA, *Enhancing the Digital Economy Through
Collaboration on Vulnerability Research Disclosure*
(July 9, 2015), available at: <http://www.ntia.doc.gov/blog/2015/enhancing-digital-economy-through-collaboration-vulnerability-research-disclosure>.

created software there have been
software "bugs."⁷ Many of these bugs
can introduce vulnerabilities, leaving
the users of the systems and software at
risk. The nature of these risks vary, and
mitigating these risks requires various
efforts from the developers and owners
of these systems. Security researchers of
all varieties, including academics,
professionals, and those who simply
enjoy thinking about security may
identify these bugs for a number of
reasons, and in a wide range of contexts.
How researchers should handle these
vulnerabilities, and how vendors should
work with researchers has been the
matter of active debate for many years,
since before the turn of the
millennium.⁸ Several points have been
actively debated. Researchers have
expressed concerns that vendors do not
respond in a timely fashion, leaving
users at risk. Vendors worry about the
time, expense, and added complexity of
addressing every vulnerability, as well
as the risks introduced by potentially
disclosing vulnerabilities before they
can be patched or mitigated. Given that
all good faith actors care about security,
there is room to find common ground.

The goal of this process is neither to
replicate past discussions nor duplicate
existing initiatives. As information
security is gaining more attention in the
collective consciousness due to a series
of high profile cybersecurity incidents
and disclosed vulnerabilities, more
firms and organizations are considering
how to engage with third party
researchers, just as they are exploring
other security tools and processes. The
security community itself has worked to
promote better collaboration. More
software vendors and system owners are
offering "bug bounty" programs that
reward researchers for sharing
vulnerability information. In addition to
enterprises that buy vulnerabilities and
sell them to vendors, new business
models have emerged to help
organizations develop and manage bug
bounty programs. Leading experts at the
International Standards Organization
have developed, and are continuing to
revise, a formal standard for vendors on
how to manage incoming vulnerability

⁷ See, e.g., Peter Wayner, *Smithsonian Honors the
Original Bug in the System*, N.Y. Times (Dec. 7,
1997), available at: <http://www.nytimes.com/library/cyber/week/120497bug.html>.

⁸ For a bibliography of research, proposed
standards, online discussions and other resources,
see University of Oulu Secure Programming Group,
Juhani Eronen & Ari Takanen eds., *Vulnerability
Disclosure Publications and Discussion Tracking*,
available at: https://www.ee.oulu.fi/research/ouspg/Disclosure_tracking (last visited Aug. 20, 2015).

information.⁹ NTIA's process is meant to complement these ongoing developments, as well as existing standards and practices developed by other organizations, by bringing together all relevant stakeholders to find consensus on the overarching goals and principles for successful sharing and handling of vulnerability information. By coming together at this critical juncture, stakeholders can expand norms and expectations for the adoption, adaptation, and innovation of practices and standards.

The goal of this process will be to develop a broad, shared understanding of the overlapping interests between security researchers and the vendors and owners of products discovered to be vulnerable, and establish a consensus about voluntary principles to promote better collaboration. The question of how vulnerabilities can and should be disclosed will be a critical part of the discussion, as will how vendors receive and respond to this information. However, disclosure is only one aspect of successful collaboration. One goal of the overall NTIA process is to promote a digital economy that more strongly emphasizes security and develops community-driven or market-based forces to better and more rapidly secure the digital ecosystem.

Stakeholders will determine the exact nature of the outcome of this process. Since it is unlikely that a one-size-fits all solution will be feasible in this dynamic space, stakeholders will need to determine how to scope and organize the work through sub-groups or other means. Success of the process will be evaluated by the extent to which stakeholders embrace and implement the consensus findings within their individual practices or organizations. Although the stakeholders determine the outcome of the process, it is important to note that the process will not result in a regulatory policy or new law, nor focus on law enforcement or other non-commercial government use of vulnerability data.

Matters To Be Considered: The September 29, 2015, meeting will be the first in a series of NTIA-convened multistakeholder discussions concerning collaboration on vulnerability disclosure. Subsequent meetings will follow on a schedule determined by those participating in the first meeting. Stakeholders will engage in an open, transparent, consensus-driven process to develop voluntary principles guiding the collaboration

between vendors and researchers about vulnerability information. The multistakeholder process will involve hearing and understanding the perspectives of diverse stakeholders, from a wide range of both vendors and researchers, while seeking a consensus that enables collaboration for a more secure digital ecosystem.

The September 29, 2015, meeting is intended to bring stakeholders together to begin to share the range of views on how vulnerability information is shared by researchers, how it is received and used by vendors, and to establish more concrete goals and structure of the process. The objectives of this first meeting are to: (1) Briefly share different perspectives on how vulnerability information is shared, received, and resolved; (2) briefly review perceived challenges in successful collaborations; (3) engage stakeholders in a discussion of high-priority substantive issues stakeholders believe should be addressed; (4) engage stakeholders in a discussion of logistical issues, including internal structures such as a small drafting committee or various working groups, and the location and frequency of future meetings; and (5) identify concrete goals and stakeholder work following the first meeting.

The main objective of further meetings will be to encourage and facilitate continued discussion among stakeholders to build consensus around the principles guiding successful collaboration. This discussion may include circulation of stakeholder-developed straw-man drafts and discussion of the appropriate scope of the initiative. Stakeholders may also agree on procedural work plans for the group, including additional meetings or modified logistics for future meetings. NTIA suggests that stakeholders consider setting clear deadlines for a working draft, and consider a phase for external review of this draft, before reconvening to take account of external feedback.

More information about stakeholders' work will be available at: <http://www.ntia.doc.gov/other-publication/2015/multistakeholder-process-cybersecurity-vulnerabilities>.

Time and Date: NTIA will convene the first meeting of the multistakeholder process to promote collaboration on vulnerability research disclosure on September 29, 2015, from 9:00 a.m. to 3:00 p.m., Pacific Time. Please refer to NTIA's Web site, <http://www.ntia.doc.gov/other-publication/2015/multistakeholder-process-cybersecurity-vulnerabilities>, for the most current information.

Place: The meeting will be held in the Boardroom in the Booth Auditorium at the University of California, Berkeley, School of Law, Boalt Hall, Bancroft Way and Piedmont Avenue, Berkeley, CA 94720-7200. The location of the meeting is subject to change. Please refer to NTIA's Web site, <http://www.ntia.doc.gov/other-publication/2015/multistakeholder-process-cybersecurity-vulnerabilities>, for the most current information.

Other Information: The meeting is open to the public and the press on a first-come, first-served basis. Space is limited. To assist the agency in determining space and webcast technology requirements, NTIA requests that interested persons pre-register for the meeting at <http://www.ntia.doc.gov/other-publication/2015/multistakeholder-process-cybersecurity-vulnerabilities>.

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Allan Friedman at (202) 482-4281 or afriedman@ntia.doc.gov at least seven (7) business days prior to each meeting. The meetings will also be webcast. Requests for real-time captioning of the webcast or other auxiliary aids should be directed to Allan Friedman at (202) 482-4281 or afriedman@ntia.doc.gov at least seven (7) business days prior to each meeting. There will be an opportunity for stakeholders viewing the webcast to participate remotely in the meetings through a moderated conference bridge, including polling functionality. Access details for the meetings are subject to change.

Please refer to NTIA's Web site, <http://www.ntia.doc.gov/other-publication/2015/multistakeholder-process-cybersecurity-vulnerabilities>, for the most current information.

Dated: August 26, 2015.

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

Madrid Protocol

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the

⁹ISO Standard 29147, *Vulnerability Disclosure Overview* (2014), available at: http://www.iso.org/iso/catalogue_detail.htm?csnumber=45170.