

# MISP Summit 01

Monday 19 October

Legal framework of information and threat sharing with  
MISP

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# Legal framework of shared information via MISP

Obligatory legal disclaimer:

- This presentation is **NOT** a legal advice

*... Anyway, information security is a far too serious topic to be left to lawyers.*

# Rationals of MISP

## Impact on container

- Legal framework of MISP as a platform

## Impact on content

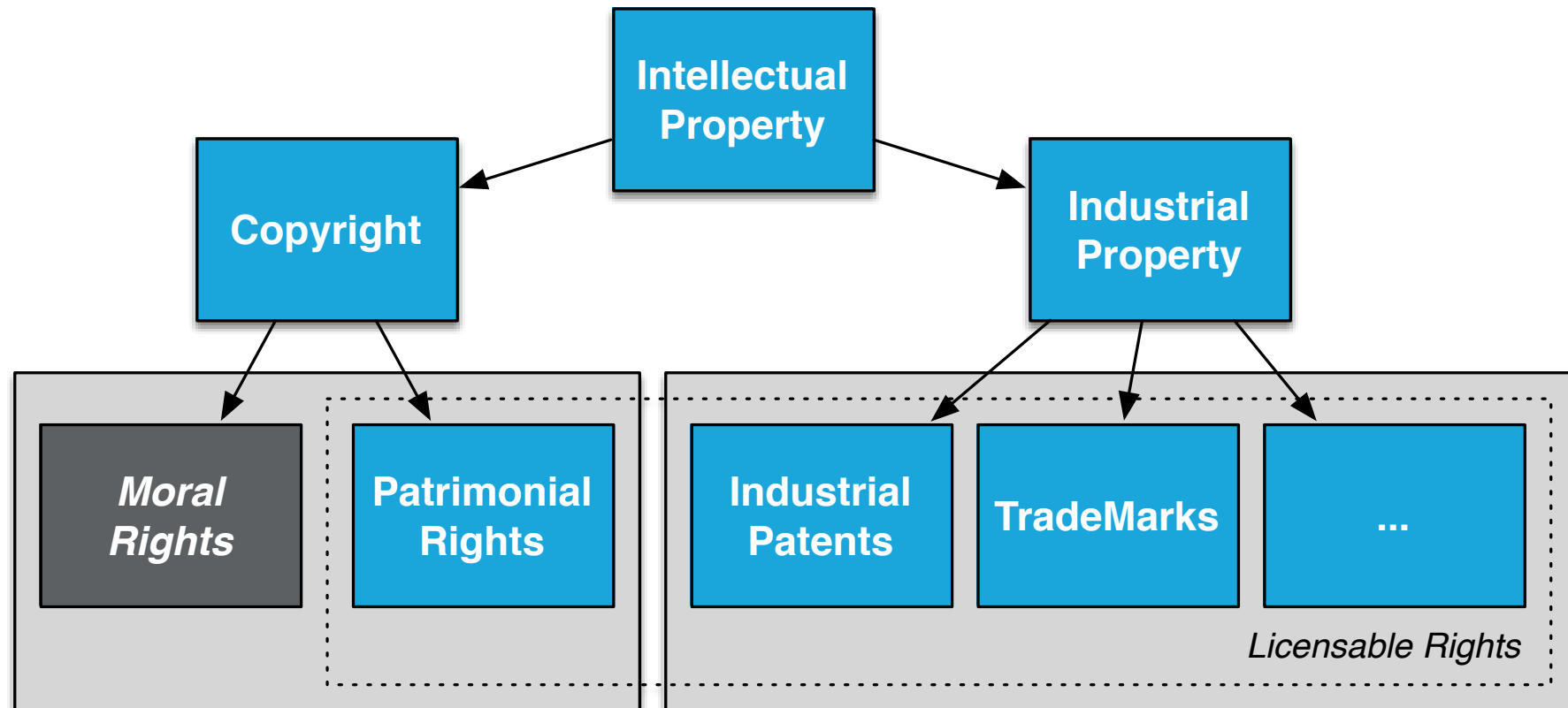
- Legal framework of shared information (IOCs, ...) via MISP

# MISP economics **rational**s

<i>Yesterday</i>	<i>Today</i>
The smart people in our field work for us	We need to work with smart people both <b>inside and outside</b> our organization
To profit from R&D, all must be done <b>in-house</b>	<b>External R&amp;D</b> can create significant value
Others should not profit from our ideas	We should profit from other's <b>use of our innovations</b> , get access to <b>other's IP</b>

# Legal framework of MISP as a platform

## IP in Software



# Legal framework of MISP as a platform

## Software and Copyrights

Protects all the **creative dimensions** embedded in software (code, graphical elements, user guides...), provided they are original

Historical and **most frequently used mean of protecting software** (automatic protection acquired during creation)

**No registration required**, but possible (public forge, etc.) for time stamping

**Exclusive right** (moral & patrimonial), 70 years protection (in EU)

# Legal framework of MISP as a platform

## Software and Patents

“**Technical effect**” of a *computer implemented invention* can be patentable, **under conditions** (novelty, industrial application...)

A patent in software will protect the **functional dimension** (technical result), and not the creative dimension (domain of Copyright)

**Registration required**, territorial protection, 20 years protection

# Legal framework of MISP as a platform

## Software and Trade Marks

Protects the **name** or **visual** identifying a software, be it of a visual or textual nature (via either a logo or a word)

An essential protection in order to differentiate assets on a given market

**10 years** protection, territorial, renewable

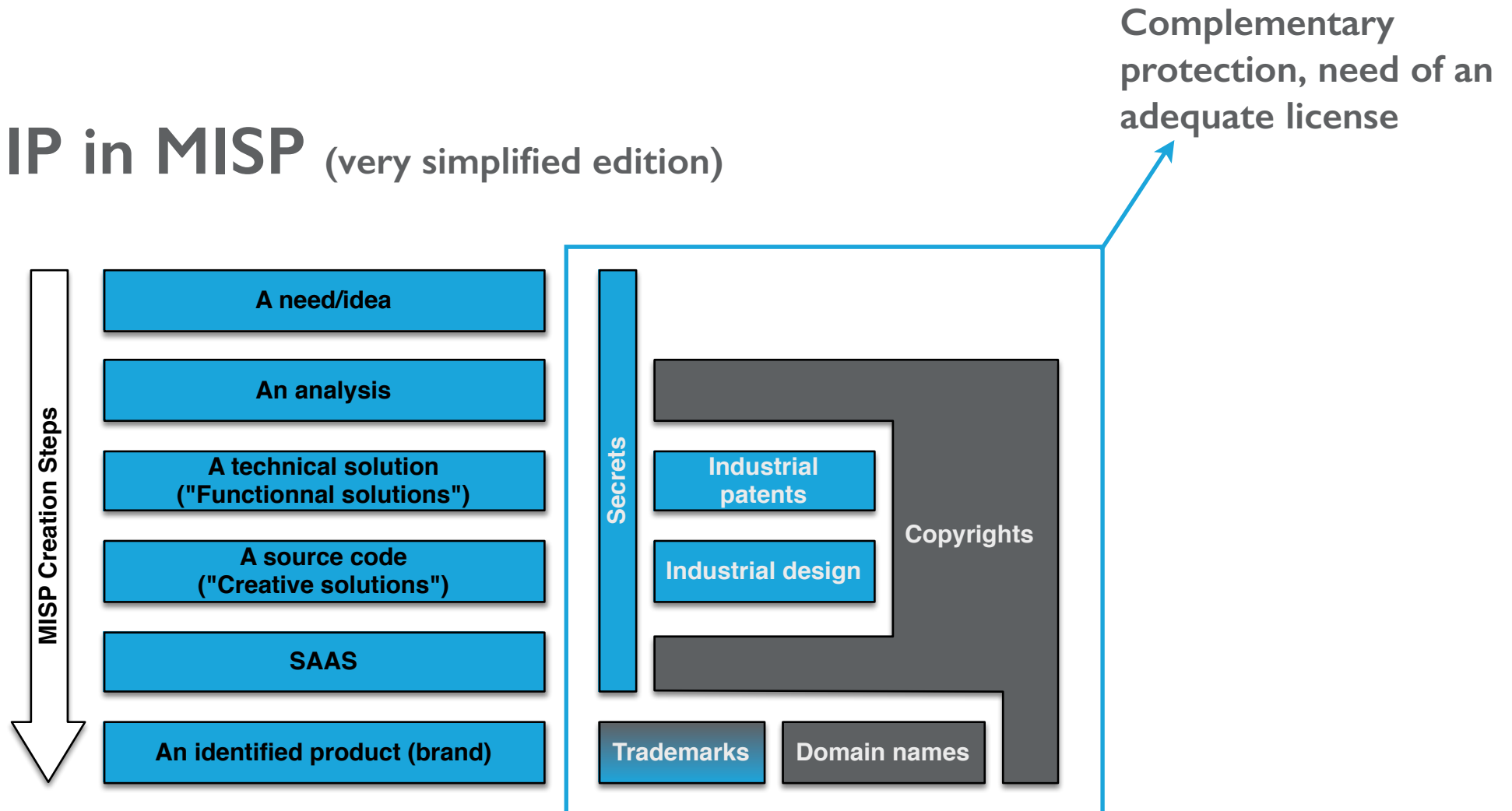
**Registration required**

Trade Mark  $\neq$  Domain Name



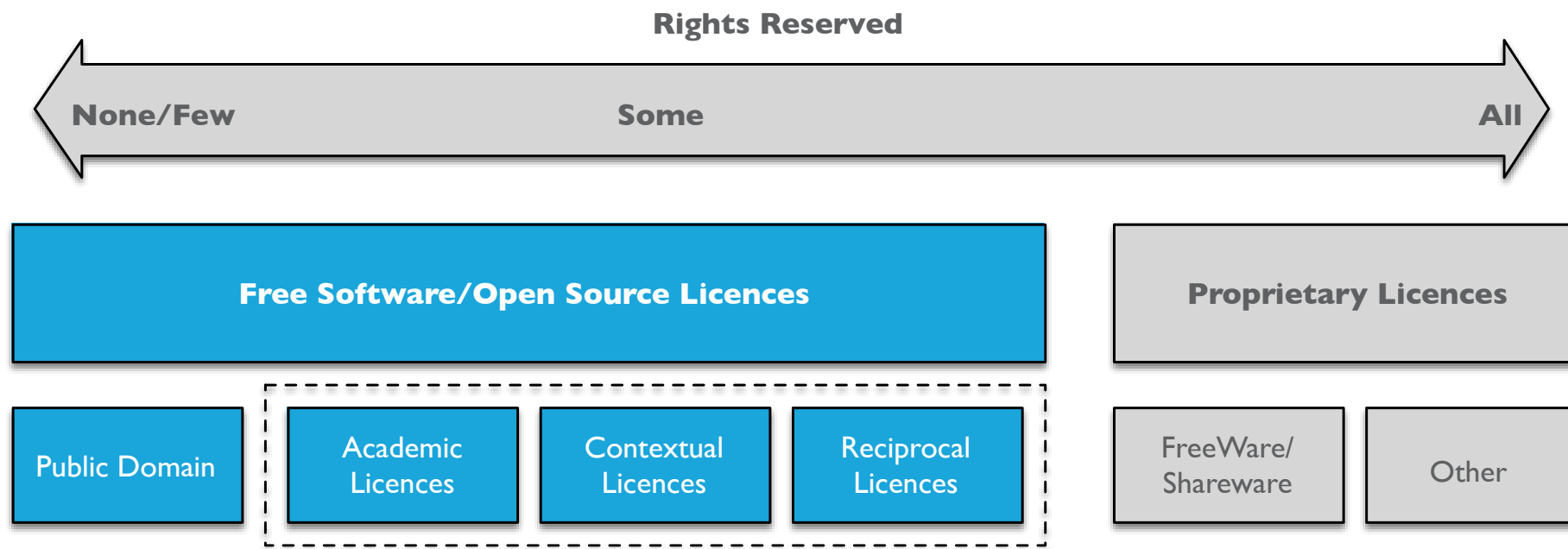
# Legal framework of MISP as a platform

## IP in MISP (very simplified edition)



# Legal framework of MISP as a platform

Licensable rights?



# Legal framework of MISP as a platform

## Free/Open Source?

Freedom to **run the program**, for any purpose (freedom 0).

Freedom to **study how the program works**, and **change it** to make it do what you wish (freedom 1). Access to the source code is a precondition for this.

Freedom to **redistribute copies** (freedom 2).

Freedom to **distribute copies of your modified versions** to others (freedom 3). Access to the source code is a precondition for this.

# Legal framework of MISP as a platform

## Free « Academic » licences

Work under licence can be **re-licensed under any terms**, including proprietary licences

Main obligation consists in recognition of **authorship**

Example: New BSD, MIT/X...

Advantages: Facilitates **diffusion** options, **simple contracts**

Drawbacks: **Weak control** over diffusion (proprietary sub-licensing)

# Legal framework of MISP as a platform

Free « Reciprocal » licences

« Copyleft » licences

Derivative works (distributed?) based on licensed elements must be re-licensed under same terms (« Viral » effect)

Example: (Aferro)GNU GPL v.X, EUPL v.I.I...

Advantages: Secure the « commons »

Drawbacks: Impact on diffusion, licensing interoperability

# Legal framework of MISP as a platform

## Free « Contextual » licences

Designed for **libraries**

Depends on the **context of use** (activates or not a copyleft clause)

Example: GNU L-GPL v.X

Advantages: Compatibility with various licensing schemes

Drawbacks: Technically complex

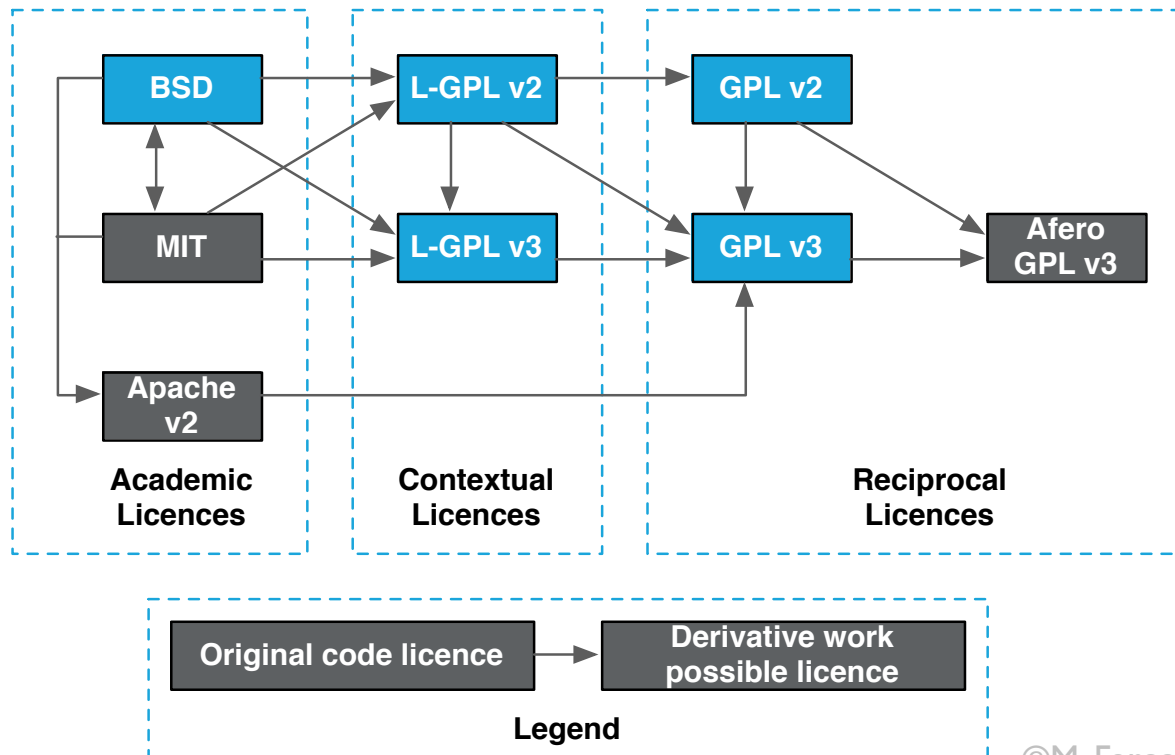
# Legal framework of MISP as a platform

## MISP situation

License Name	#Files	Category
No License Found	498	n/a
MIT-style	43 (jquery, ...)	Academic
Misc-Copyright	25	n/a
Apache_v2.0	9 (bootstrap)	Academic
MIT-possibility	4 (jquery, ...)	Academic
Affero_v3	5	Reciprocal

# Legal framework of MISP as a platform

## Interoperability





# Legal framework of MISP as a platform

## Affero GPL v3 - case of MISP

- ensures that **modified** versions of MISP **remains free** (« Viral » effect)
- **conveying [modifying MISP for internal use (no distribution of code « as such »)]** code activates « viral » effect (Affero vs GPL)
- Multiple authors/contributors - formal agreement of all authors/right holder organizations is required for changing licence of MISP (secure the « commons »)

# Rationals of MISP

## Impact on container

- Legal framework of MISP as a platform

## Impact on content

- Legal framework of shared information (IOCs, ...) via MISP

# Legal framework of shared information via MISP

## Finality of use

MISP is an element of a global appropriate protection system designed in order to prevent the leakage, loss, or damage of information systems containing personal data. As a sharing platform, it is a **part of a technological security control measure**.

**MISP = Solution**

# Legal framework of shared information via MISP

Licence on shared info is decided when submitted by event submitter on an instance of MISP.

Submitters decide upon distribution rules within the framework of the application. Submitter decides with which instance and/or organizations they want to share their information.

# Legal framework of shared information via MISP

**Rules: TLP Green - TLP Amber - TLP Red - Chatham House Rule (source must not be disclosed)**

**Multiple roles can be created (accounts to create events, another one to publish it). All submissions are classified by submitter. Classification impact is important - do not underestimate TLP choice.**

# Legal framework of shared information via MISP

TLP Color	Description
<b>RED</b>	Information exclusively and directly given to (a group of) individual recipients. Sharing outside is not legitimate.
<b>AMBER</b>	Information exclusively given to an organization; sharing limited within the organization to be effectively acted upon
<b>GREEN</b>	Information given to a community or a group of organizations at large. The information cannot be publicly released.
<b>WHITE</b>	Information can be shared publicly in accordance with the law.

**Chatham House Rule (source must not be disclosed)**

# Legal framework of MISP



**Any Questions?**

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