



Privacy At Risk," FTC press release (February 23, 2016), <http://www.ftc.gov/pressroom/2016/02/160223-privacy-at-risk>.

<sup>4</sup> "FTC Approves Final Order Settling Charges Against TRENDnet, Inc.," FTC press release (February 7, 2014), <http://www.ftc.gov/pressroom/2014/02/140207-trendnet>.

<sup>5</sup> <http://www.easet.com/pressroom/2016/02/160202-new-easet-nicsa-survey-explores-the-internet-of-stranger-things>, "New ESET/NCSA Survey Explores the Internet of (Stranger) Things," ESET/National Cyber Security Alliance study, <http://www.easet.com/pressroom/2016/02/160202-new-easet-nicsa-survey-explores-the-internet-of-stranger-things>.

and <http://www.easet.com/pressroom/2016/02/160202-new-easet-nicsa-survey-explores-the-internet-of-stranger-things>.

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employment, or as may otherwise be prohibited by Federal law (employees should consult their agency ethics officials);

(viii) any individual or team that used

conduct testing on each Submission to determine whether malware or other security threats may be present.

(ix) Any Submission that fails to comply with these requirements, as determined by the Sponsor in its sole discretion, may be disqualified.

(x) Once a Submission has been submitted, Contestant may not access or make any changes or alterations to the Submission.

(xi) A Contestant may submit only one Submission, as either an individual or a member of a team.

(xii) By entering a Submission, Contestant represents, warrants, and agrees that the Submission is the original work of the Contestant and complies with the official rules. Contestant further represents, warrants, and agrees that any use of the Submission by the Sponsor and Contest Judges (or any of their respective partners, subsidiaries, and affiliates) as authorized by these official rules, does not:

a. infringe upon, misappropriate or otherwise violate any intellectual property right or proprietary right including, without limitation, any statutory or common law trademark, copyright or patent, nor any privacy rights, nor any other rights, Sddi.ny

may automatically recognize the software version or provide instructions for consumer input.

(3) Determining the latest versions of the software that should be on those devices. The Submission must lay out a feasible plan for finding sources of information about what version should be on the device and explain the technical means by which that information would be procured. If the Submission relies upon databases that do not currently exist, the plan for developing those sources must be realistic and feasible.

(4) Assisting in facilitating updates, to the extent possible. Contestants might rely upon the consumer to take steps or contact the device manufacturer to facilitate the update. If the tool conveys information to a third party, such as a device manufacturer, the tool must also allow for consumer control of the flow of that information.

b. WILDCARD: If your Submission does not address the four components above, but offers a technical solution to address vulnerabilities caused by unpatched or out-of-date software of IoT devices in the home, the Contestant may demonstrate how that tool would work and argue for the superiority of the tool based on its level of innovation and impact on IoT security in the home. Any such WILDCARD option would also need to meet the criteria set forth in sections 7(ii)–(iii) (user friendliness and scalability requirements).

c. Whether the Submission includes the four components identified above or is a WILDCARD option, Judges will award more points to Submissions based on the extent to which they identify potential challenges with implementing the tool and describe how the Contestant plans to address those challenges. Judges will also award more points for tools that address both situations where a manufacturer has failed to provide support for the software on a device as well as where the manufacturer does provide support.

(ii) (20 points out of 100 total score)

a. How easy is your tool for the average consumer, without technical expertise, to set up and use? In assessing how easy the tool would be to use, the Judges will take into consideration whether functions are performed automatically, without action by the consumer.

b. In analyzing the user-friendliness of the tool, the Judges will also take into consideration how well the tool does the following:

(1) Displays or conveys<sup>10</sup> information about which devices it has assessed.

(2) Accurately communicates the risk mitigation provided by the tool (i.e., it should not give the impression that it solves all security problems).

(3) Allows consumers to control any information being sent to a third party, to the extent that any such information is being sent. This includes making short, but accurate, disclosures about the information flow.

c. Judges will award more points to Submissions that show the content of any consumer interface and decision points, as well as the methodology and results of user tests (i.e., surveys, focus groups, online user studies) demonstrating that the average consumer would be likely to understand such interface and information it conveys.<sup>11</sup>

(iii) (20 points out of 100 total score)

a. The Submission must explain how the tool could be used for products other than those addressed specifically in the Submission.

b. Judges will award more points to Submissions that also explain how the tool would stay up-to-date. Judges will award more points to Submissions demonstrating tools that work on multiple types of devices (i.e., cameras, thermostats, refrigerators), devices from different manufacturers, devices using different protocols (i.e.,

<sup>10</sup>The consumer must have a way of knowing what is being assessed, so they do not have a false sense of assurance about a device that was not even evaluated by the tool. This process might also expose unauthorized devices.

<sup>11</sup>For more information on communicating with consumers, see P (Sept. 15, 2016), // /

<sup>12</sup>For example, a tool could use security scoring mechanisms developed by such entities as the Cyber Independent Testing Lab (CITL) ( // - / / ).



of the unauthorized use or disclosure by the Sponsor of intellectual property, trade secrets, or confidential business information of the Contestant.

C. Without limiting the foregoing, each Contestant (including, in the case of a team, all participating members) agrees to release all Released Parties of all liability in connection with:

(i) any incorrect or inaccurate information, whether caused by the Sponsor's or a Contestant's electronic or printing error or by any of the equipment or programming associated with or utilized in the Contest;

(ii) technical failures of any kind, including, but not limited to, malfunctions, interruptions, or disconnections in phone lines, Internet connectivity, or electronic transmission errors, or network hardware or software or failure of the Contest Web site, or any other platform or tool that Contestants or Contest Judges choose to use;

(iii) unauthorized human intervention in any part of the entry process or the Contest;

(iv) technical or human error that may occur in the administration of the Contest or the processing of Submissions; or

(v) any injury or damage to persons or property that may be caused, directly or indirectly, in whole or in part, from the Contestant's participation in the Contest or receipt or use or misuse of any Prize. If for any reason any Contestant's Submission is confirmed to have been

privacy policy located here: [://](#)  
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 15.

Please visit the Contest Web site for further Contest information and updates.

**Jessica Rich,**

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 BILLING CODE 6750-01-P

## FEDERAL TRADE COMMISSION

[File No. 161 0077]

### C.H. Boehringer Sohn AG & Co. KG; Analysis To Aid Public Comment

**AGENCY:** Federal Trade Commission.  
**ACTION:** Proposed Consent Agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before January 27, 2017.

**ADDRESSES:** Interested parties may file a comment at [://](#)

or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write “C.H. Boehringer Sohn AG & Co. KG File No. 1610077—Consent Agreement” on your comment and file your comment online at [://](#)

following the instructions on the web-based form. If you prefer to file your comment on paper, write “C.H. Boehringer Sohn AG & Co. KG File No. 1610077—Consent Agreement” on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC-5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:**  
 Michael Barnett (202-326-2362),  
 Bureau of Competition, 600  
 Pennsylvania Avenue NW., Washington,  
 DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent orders to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for December 28, 2016), on the World Wide Web, at [://](#)

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before January 27, 2017. Write “C.H. Boehringer Sohn AG & Co. KG File No. 1610077—Consent Agreement” on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at [://](#)

As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any “[t]rade secret or any commercial or financial information which . . . is privileged or confidential,” as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and

you have to follow the procedure explained in FTC Rule 4.9(c) as discussedp044 T.11, et the Commission twefore January 27, ite “C.H.

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<sup>1</sup> In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. FTC Rule 4.9(c), 16 CFR 4.9(c).