“Dancing on the Third Rail”: A Software Liability Briefing
Insecure Software

• What’s at Risk?
• Examples
• Geopolitical Context
Market Failure

- Negative Externalities
- Liability Exemptions
Changing the Status Quo: US & EU Approaches
European Union Proposals

CYBER RESILIENCE ACT

PRODUCT LIABILITY DIRECTIVE
Cyber Resilience Act

PURPOSE

CONTEXT

REQUIREMENTS

SCOPE
Product Liability Directive

Strict Liability Regime

Product + Defect

Broad Definition of Product
National Cyber Strategy

Elements

Process
Standard of Care

Purpose

Minimum Requirements

Selected Considerations/Complexities

One-Size-Fits-All?
Flexibility/Predictability
Competition/Innovation
Open Source
Who is Liable
Safe Harbor

Purpose

Models

Selected Considerations/Complexities
- Certainty
- Updating
- Competition
- Compliance
Conclusions