Behind a Hacker's Book, a Primer on Copyright Law

Andrew Huang, right, Nicole Justis, left, and Masako Justis, shipping copies of his book.

By SETH SCHIESEL

ANDREW HUANG, an engineer and programmer in San Diego, has written a book called "Hacking the Xbox: An Introduction to Reverse Engineering." It has also been an introduction to copyright law in the digital age.

Wiley Technology Publishing, a unit of John Wiley & Sons, agreed last year to publish the book. But after Mr. Huang delivered the manuscript five months ago, the publisher backed out over concerns that the Digital Millennium Copyright Act of 1998 made it illegal to disseminate information about how to circumvent copyright protection.

"We put it through our own internal legal vet, and our lawyers came back with a red flag and said that based on at least one chapter and perhaps several, we may be in a position where we might be in violation" of the law, Robert Ipsen, vice president and executive publisher of Wiley Technology Publishing, said in a telephone interview. "We felt that we had a really solid, edgy book that was going to walk the line from a legal perspective but which we thought would have keen interest in the marketplace."

"We were excited about it," he added, "and were somewhat chagrined that he had clearly wandered off into no-man's land in one or two chapters that in our legal counsel's opinion were clearly violating the spirit and letter" of the copyright act.

A spokeswoman for Wiley said that the company would

not ask Mr. Huang, who is known online as "bunnie," to return the small advance he had received.

Rejected by Wiley, Mr. Huang had the book printed himself and began selling it by mail order, shipping copies from his garage.

With help from the Electronic Frontier Foundation, a civil-liberties group based in San Francisco, Mr. Huang recently found a new publisher, No Starch Press in San Francisco. Bill Pollock, No Starch's president and publisher, said his company expected to publish the book this month.

The digital copyright law "is a very wrongheaded, stupid act, and it's got a lot of people scared," Mr. Pollock said. "When it gets to the point where people are canceling publishing of books, it's very scary. It's a sort of censorship."

Fred von Lohmann, senior staff attorney at the Electronic Frontier Foundation, said in a telephone interview that he anticipated similar issues in the future. "It's a problem that more people in the computer science and security field are going to run into," he said. "Even if what they are finding is probably perfectly legal, publishers don't want to risk expensive litigation to find out."

Mr. von Lohmann would not discuss details of the Wiley situation but said, "This is exactly the sort of chilling effect on publishers that we're worried about."

Mr. Ipsen said Wiley often worked with Microsoft to publish guides for Microsoft products, like the Xbox. Susan Spilka, a Wiley spokeswoman, said that Wiley's Microsoft relationship played no role in the company's decision not to publish Mr. Huang's book.