



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

July 21, 2009

Stéphane Herry, CEO
GigaTribe
5 Rue Salomon de Rothschild
Suresnes, France 92150

Re: Inadvertent Sharing Protection Working Group Voluntary Best Practices
Compliance

Dear Mr. Herry:

In July 2008, numerous distributors of peer-to-peer file-sharing applications, including GigaTribe, agreed to abide by a set of guidelines (hereafter "Voluntary Best Practices"), created by the Distributed Computing Industry Association, to minimize the inadvertent sharing of sensitive files over peer-to-peer networks. The staff of the Federal Trade Commission's Division of Advertising Practices has recently reviewed and analyzed the GigaTribe software application, version 2.52, to determine if it complies with the Voluntary Best Practices. This letter sets forth the results of that review.

We recognize that the GigaTribe software application operates differently than other peer-to-peer file-sharing applications in that it does not allow for the public sharing and searching of files, but instead requires its users to explicitly add users with whom to share files, and explicitly determine what files will be shared. Even so, the staff's tests show that the program is not in compliance with the Voluntary Best Practices. Specifically, the application does not comply with:

- Section (1)(A), which requires clear, timely, and conspicuous plain-language warnings about the risks of inadvertent sharing of personal or sensitive data, in order for User-Originated Files or pre-existing folders to be shared. In fact, there appear to be no warnings whatsoever in the program that would alert users about the potentially sensitive nature of the files being shared;
- Section (3), which requires that recursive sharing be disabled by default. The default settings of the GigaTribe program allow for the recursive sharing of folders and complete drives (e.g., the C: or D: drive, a network drive, or an external drive);
- Section (4)(A), which requires clear, timely, and conspicuous warnings that

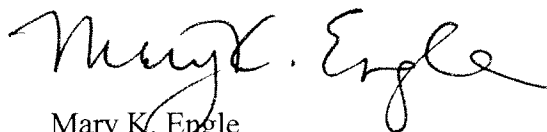
folders often used to store personal or sensitive data, such as “My Documents,” may contain sensitive or personal files. Again, there appear to be no warnings whatsoever in the program that would alert users about the potentially sensitive nature of the files contained in the folder being shared; and

- Section (4)(B), which requires that any attempt to share a complete drive (e.g., the C: or D: drive, a network drive, or external drive) or a user-specific system folder (e.g., a “Documents and Settings” folder in Windows) be prevented. The GigaTribe program allows complete drives, in addition to system folders, to be shared.

Finally, although not covered by the Best Practices, of additional concern to us is the ability of users to give others connected to their network read/write capabilities to the user’s local drive. While this is a feature available only to paid subscribers of the Ultimate Version of GigaTribe, there is the potential for harm, as a user’s files could be tampered with and/or altered to contain malicious code.

We urge GigaTribe to make the modifications necessary to honor its commitment to comply with the Voluntary Best Practices. We will contact you soon to determine your plans for implementing these changes, as well as your anticipated time frame for doing so. In the meantime, please call Stacey Ferguson at (202) 326-2361 if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first name "Mary" and last name "Engle" clearly legible.

Mary K. Engle
Associate Director
Division of Advertising Practices

cc: Marty Lafferty, Distributed Computing Industry Association