

DRM

THE STRANGE, BROKEN WORLD OF
DIGITAL RIGHTS MANAGEMENT



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EUROPEAN
DIGITAL
RIGHTS

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WHAT IS DRM?

Digital Rights Management (DRM) is, in simple terms, any technology that is built into an electronic product or service with the aim of limiting its range of uses after purchase. It is designed to prevent consumers from using digital technology in ways that do not correspond to the business agenda of a content provider or device manufacturer.

This technology often restricts individuals from doing things that are perfectly legal, such as making a backup or doing things that are fully acceptable and commonplace in less technologically developed environments, such as putting together a music mix, or lending a movie to a friend. Rights management technology removes basic rights and freedoms in the digital world.

Digital Rights Management systems come in different shapes and sizes, but what they share is industries' complete control over how often we can listen to the songs we bought, if we can watch DVDs (that we bought in another jurisdiction, for example) and what kind of files one can load onto an ebook reader.

DRM essentially removes the property right of the consumer over the product that s/he has paid for, penalising him or her for using a legal copy.

Even when it is possible for a citizen to free himself or herself from these restrictions, the European Copyright in the Information Society Directive makes this illegal. This helps to preserve the outdated business models of publishers, the movie and music industries by, for example, limiting the right to private copying, in a world where everyone has multiple media devices. It directly limits our fundamental rights to privacy, liberty, security and property. It can be particularly damaging to people with disabilities who are prevented from changing the format of a given product to one that they can use despite their disability. For example, book publishers protested against the capacity of Kindle, an eBook reader, to electronically convert text into speech.

Electronic goods are therefore often built to be defective, forbidding the full capacity of the technology to be used, forbidding uses that were entirely uncontroversial before progress gave industry the chance to prohibit them.

DIGITAL RIGHTS OR CITIZENS RIGHTS?

There is a dizzying range of Digital Rights Management technologies on the market. As their whole point is to limit use of digital products, it is no surprise that the different technologies are incompatible with each other, increasing their damage to the ability of citizens to use legally purchased content.

If we have bought all our music from Apple's iTunes, then we have to buy Apple devices to listen to our collection and we are no longer free

to choose. Competition is weakened, innovation is crushed. After spending your money on digital music, would you like to copy your tracks from one device to another? For security, would you like to make a backup on a CD? Would you like to lend a copy to a friend? Digital Rights Management systems place restrictions on your right to do all of these things (and, don't forget, if you find a way of doing it anyway, the EU Copyright Directive means that this is illegal, even if you had thought that buying a product meant that you were free to

do what you wanted with your property). To make a bad situation even worse, if the vendor goes bankrupt, or no longer maintains this particular Digital Rights Management system, your music or films may simply stop working from one day to the next. DRM also keeps us from shifting our music or films to another format. It is perhaps inconvenient and infuriating after buying an e-book not to be able to read it on another device than the one it was

designed for. However, it outright discrimination for a blind person, when DRM prevents them from using text-to-speech technology - in this case, they will simply not be able to read the book.

Digital Rights Management also changes the application of existing rules from being flexible enough to depend on their context (for example copyright exceptions for quotations) to strict mechanical application of rules without exceptions.

LOSING DIGITAL HERITAGE

Our oldest written sources date back hundreds or even thousands of years. But digital files are written on perishable material, such as CDs or flash memory. These devices often wear out after only a few years. If Digital Rights Management chain our culture and property (whether books, music or films) to those devices, they will be lost when the material no longer functions. While this is undoubtedly a big problem for consumers, it is a much greater issue for libraries, archives, museums and other institutions that store or disseminate our records, which are increasingly digital. They are buying publications that are

locked into specific devices. DRM systems only last as long as the companies that sell them. While libraries and archives once preserved cultural knowledge for centuries, they are now forced to spend significant sums of public money on material that will become unreadable in a few short years; a wealth of cultural, historical and educational sources will become unreadable and forgotten. Unable to read today's work, future researchers might wonder why today's society locked away its own culture from itself.

THE SPY IN YOUR POCKET

In order to control how we use digital media, Digital Rights Management technology provides device makers, software companies and media publishers with access into our devices, even after we have finished paying for the content. Of course, not without the consumer's consent... if they have gone to the effort of reading the 'take it or leave it' terms and conditions of the soft- or hardware. And everyone reads these terms and conditions, right? Digital Rights Management tools even let someone else take control of our computer, our music player, or our ebook reader. For example in 2009, without

informing users, Amazon electronically reached into consumers' Kindle ebook readers to delete a product that they had sold by mistake.

And what book was removed from the Kindle devices? George Orwell's '1984'... which features a device called a 'memory hole' where unauthorised material disappears forever. The irony could hardly have been clearer. Vendors can track what music we are listening to, and which books we are reading. We have no way to prevent this, as we have no control over where this data goes once it leaves our devices.

CREATIVITY UNCHAINED

Today, we have access to an unprecedented amount of knowledge in digital form. As our cultural treasure continues to build on the work of previous generations, this has led to a boom in the creation of even more knowledge. Projects like Wikipedia and phenomena like Free Software (now a market leader in many areas), show what we can achieve when we set knowledge free. Copyright laws have not quite been able to keep up. In this exciting new world of access to knowledge, DRM is a rearguard defence of industries that seek not only to maintain the control they had before the digital era, but to create new restrictions over leading-edge technology and establish legal authority over its private use. DRM is an attempt to preserve a dying business model and to restrict competition.

This restriction on competition is, in turn, undermining innovation. Whether the interests of a small but vocal group of corporations should be accommodated, allowing industry to determine where the limits are for our sharing of knowledge and culture, or whether the moral and social implications of restrictive legal barriers are too serious to ignore must be determined by citizens and policy makers.

Rather than focusing exclusively on the prevention of digital reproduction, we need to encourage the creation of business models that will respect our fundamental rights to liberty, security and privacy. Should European legislation support access to culture or increase restrictions to it?

UNLOCK THE HANDCUFFS

There are plenty of devices and media that preserve our freedom and dignity. We can choose to live without digital handcuffs. We can buy media that we can use forever, in any format of our choice. We can avoid buying devices that lock us in. A little research here often goes a long way. On a political level, we need to decide whether the copyright system should serve only publishers, or also society and future generations. We need to build a copyright system that benefits everyone, not just narrow interests. Getting rid of the provisions that limit citizens' use of legally purchased content would be an important first step.

Learn more about about DRM, and how you can be free in the digital world.

Have a look at these resources:

Defective by design

<http://defectivebydesign.org>

drm.info

<http://drm.info>

Wikipedia

http://en.wikipedia.org/wiki/Digital_rights_management

EDRI

<http://edri.org/search/note/DRM>

EFF

<https://www.eff.org/issues/drm>

APRIL: Synthèse sur les DRM

<http://www.april.org/publication-april-synthese-sur-les-drm>



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