

Digital Rights Management: The Foundation

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Steven J. Henry, Esq.
Shareholder

Wolf Greenfield & Sacks, P.C.
Boston, Massachusetts
www.wolfgreenfield.com



What is DRM?*

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Digital rights management (DRM) is an umbrella term that refers to **access control technologies** used by publishers and copyright holders to **limit usage** of digital media or devices. It may also refer to restrictions associated with specific instances of digital works or devices. To some extent, DRM overlaps with copy protection, but DRM is usually applied to creative media (music, films, etc.) whereas copy protection typically refers to software.

**Wikipedia*

 **Wolf Greenfield**
SPECIALISTS IN INTELLECTUAL PROPERTY LAW

What is DRM? -2

In other words:

Technology to get holders of copies of copyrighted works to respect the author's rights (and maybe “create” *de facto* additional “rights”).

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The Clash

Pro:

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- It is necessary for copyright holders to prevent unauthorized duplication of their work to **ensure continued revenue streams, value, etc.**
- Authors of copyrighted works have the right to determine **HOW** their works are modified, **WHO** modifies them, whether they are or are not combined with other works, etc. . . . **to preserve artistic purity, the integrity of the work, etc. (“Droit Moral”)**

The Clash - 2

Con:

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- The use of the word "rights" is misleading. It is digital **restrictions** management.
- Copyright holders are attempting to restrict use of copyrighted material *>statutory – i.e., preventing “fair use” and “archiving,” extending duration.*
- Some opponents also consider DRM schemes to be **anti-competitive** (e.g., prevent reverse engineering and study, interoperability).

The Clash - 3

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Con:

- **Culture: Why shouldn't I be able to copy/share? I can pass along a book, can't I?**

Basic Copyright Law

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- Copyright is a “natural” right of the “author.” Rights arise (in the US) from creating an original work and fixing it in a tangible medium.
- Registration supplements the rights.
- Registration is required for enforcement.

Basic Copyright Law -2

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- Copyright Act enumerates exclusive rights which include right to:
 - (1) **reproduce** the copyrighted work in copies;
 - (2) prepare **derivative works**;
 - (3) **distribute copies** to the public by sale or other transfer of ownership, or by rental, lease, or lending;
 - (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to **perform** the copyrighted work publicly;
 - (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to **display** the copyrighted work publicly; and
 - (6) in the case of sound recordings, to **perform** the copyrighted work publicly **by means of a digital audio transmission**.

Basic Copyright Law -3

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- **“Moral Rights” (US version) also spelled out in Sec. 107:**
 - **Attribution**
 - **No false attribution**
 - **No distortion**
 - **No destruction (some kinds of works)**

Basic Copyright Law -4

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- **Note that no exclusive right to use.**
- **Ownership of rights does not dictate how those rights are to be exercised.**
- **Antitrust law provides the main limitation on copyright holder.**

Copyright Law is Supplemented By DMCA

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- Provides a safe harbor to passive ISPs.
- Also makes it an offense to “circumvent” anti-piracy measures. (Implements WCT treaty)
 - **anti-access**
 - **anti-copying** [fair use still ok]
 - reverse engineering for compatibility and encryption research is ok
- Civil and criminal liability
- Most famous so far – the DeCSS case

Limits of the Law

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- **Biggest limit is the territorial reach of the law; hence the WCT treaty, etc.**
- **Fair Use limits infringement**
- **Copyright Law also is not enforceable preemptively – follows violation**
- **Hence need for technical tools to supplement the law and prevent violations**

Use of DRM

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Anticopying technologies
Antiaccess technologies
Copy tracing technologies

Must both work (prevent unauth. acts) and be usable in a commercial setting – e.g., allow a customer to see what they are getting

Diff. media, diff. markets >> diff. DRM tools



Patent Issues

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- **Many DRM tools or aspects of them are or may be covered by patents**
- **So far, there is little/no standardization**
- **Standardization will require patent pools, sharing of royalties, etc. – like MP3; careful re antitrust**
- **Patents publish the techniques, but this can be problematic for some technologies intended to protect “secrets”**

The End

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- **Thanks for Listening**
- **Questions and Comments Welcome**

shenry@wolfgreenfield.com

