

Digital Rights Management: Whose Rights Are Being Managed?

Computer Professionals for Social Responsibility

Contacts: Paul Hyland, 202-213-9889, paul@exit1.com
Susan Evoy, 650-322-3778, evoy@cpsr.org

April 22, 2002

Digital Rights Management (DRM) technologies, and particularly the laws being fashioned around them, support only the rights of content creators (or more likely, corporate owners of the copyrights). They ignore the rights of consumers -- such as fair use and first sale. Legal proposals that make DRM ubiquitous threaten to trample the rights of technologists and innovators, and by extension all end users of the results of that innovation -- anyone who buys and/or uses a computer or similar digital device. This upsets the balance between creators and consumers that copyright laws are meant to foster.

Computer Professionals for Social Responsibility is concerned about many effects of DRM technology and laws to enforce them, but will concentrate our comments here on the effects on computer professionals and on the fields of computing and the Internet. The Digital Millennium Copyright Act (DMCA), passed in 1998, already stifles innovation and academic freedom, as well as the concept of fair use. Three legal cases illustrate this:

- deCSS, a program to enable Linux computers to play DVDs, has been attacked;¹
- Edward Felton, a Princeton computer scientist, was prevented from disseminating DRM encryption research;²
- ElcomSoft, a Russian company that provides software enabling you to copy eBook files to other devices, has been prosecuted.³

Further, important instances of self-censorship are beginning:

- Linux kernel developer Alan Cox has withheld information about security fixes;⁴
- IEEE currently requires authors to warrant that their work does not violate DMCA; IEEE, with 377,000 individual members in 150 countries, publishes 30 percent of the world's published literature in electrical engineering, computers and control technology.⁵

The proposed Consumer Broadband and Digital Television Promotion Act (CBDTPA) would mandate the use of government-approved Digital Rights Management technology in a digital media capable device -- which would include any general purpose computer or operating system software. This would make general-purpose computers and open-source software essentially illegal, thereby limiting the innovation rights of an entire industry. Furthermore, it would also affect every business that uses computers and software to access, processes, or store digital data (essentially all software except for very trivial applications).

Thus, to protect the rights of an industry that generates \$35 billion for the US Economy, CBDTPA would harm \$650 billion worth of commerce -- hindering almost 20 times the economic activity as it promotes. A right that was meant to be limited and balanced ends up not only infringing on other rights of consumers and creators of content, but it is so imbalanced that it threatens the very industry that has been the engine of economic growth for the last ten years or more. Continued prosecution of those who copy content illegally would be better than over-reaching laws that punish all users of digital technology.

1 <http://www.eff.org/IP/Video/>

2 http://www.eff.org/Legal/Cases/Felton_v_RIAA/

3 http://www.eff.org/IP/DMCA/US_v_Elcomsoft/20020328_eff_elcom_pr.html

4 <http://online.securityfocus.com/columnists/35>

5 <http://www.ieee.org/about/documentation/copyright/NewCRform101901.pdf>, <http://www.ieee.org>