



World Library and Information Congress: 69th IFLA General Conference and Council


1-9 August 2003, Berlin

Meeting: 119. Copyright and Other Legal Matters (CLM)
Simultaneous Interpretation: Yes

Technological Locks on Information: Issues for Libraries

Rick Weingarten
Director, OITP
American Library Association
Washington D.C., USA

What is OITP?

- 
- Policy Office of ALA
 - Four objectives
 - Analysis and study
 - Education
 - Advocacy
 - Strategic outlook

Rick Weingarten
IFLA/DRM
August 5, 2003

Key Points

- DRM extends throughout the **whole** information infrastructure
- DRM creation is principally a **standards** activity
- DRM is much **broader** than copyright protection
- Libraries need to be **involved** in the DRM creation process

Rick Weingarten
IFLA/DRM
August 5, 2003

What is DRM?

Definitions And Descriptions

Rick Weingarten
IFLA/DRM
August 5, 2003

Some History

- Copy protection
 - Early days of personal computing
 - Failure: technical difficulty, consumer resistance
- “Technological Protection Measures”
 - Digital Millennium Copyright Act
- Digital Rights Management
 - System Wide

Rick Weingarten
IFLA/DRM
August 5, 2003

DRM is.....

“A system of information **technology components** and **services**, along with corresponding **law, policies** and **business models**, which strive to **distribute and control** intellectual property and its rights. ...”

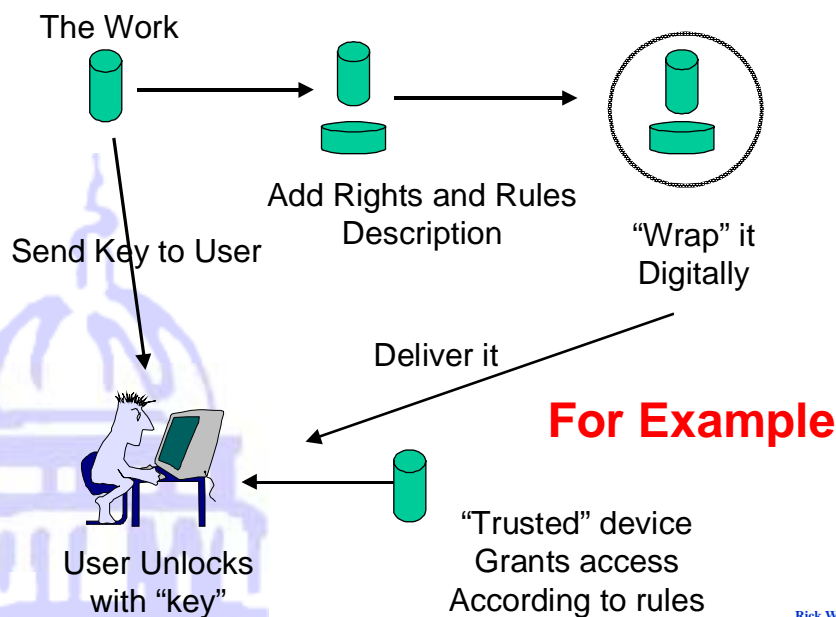
-- National Institute of Standards and Technology (NIST)

Rick Weingarten
IFLA/DRM
August 5, 2003

An Ideal “Full” DRM

- Identifies a **work**
- Identifies a specific **user** of a work
- Maps **access rights/** usage rules between the user and the work
- **Enforces** those access/ usage rules
- **“Persists”** through the system and through time

Rick Weingarten
IFLA/DRM
August 5, 2003



Rick Weingarten
IFLA/DRM
August 5, 2003

System Wide

- A full DRM system requires technological conformity at all points in the digital infrastructure.
 - Chips
 - Devices
 - Software
 - Networks
 - Content
 - User (Identification and authentication)

Rick Weingarten
IFLA/DRM
August 5, 2003

Where Will They Come From?

Processes
And
Standards

Rick Weingarten
IFLA/DRM
August 5, 2003

Need Agreement Among

- Creators
- Content providers
- Telecommunications Companies
- Internet service providers
- Broadcasters
- Consumer products
- Software companies
- Hardware manufacturers
- Chip manufacturers

Rick Weingarten
IFLA/DRM
August 5, 2003

DRM Must Accomodate

- Different Media
 - E-books
 - Music
 - Movies
 - Journals
 - Databases
- Different Business Models
 - Between media
 - within media


Rick Weingarten
IFLA/DRM
August 5, 2003

Many Groups Seeking DRM

- 
- Music Industry
 - Movie Industry
 - E-Books
 - Broadcasters
 - Etc.

Rick Weingarten
IFLA/DRM
August 5, 2003

DRM is NOT Copyright

- 
- Doesn't protect all rights in law
 - Supports other restrictions not in law
 - Doesn't support all user exceptions
 - Rules are set by provider
 - Enforced by technology **before the fact**

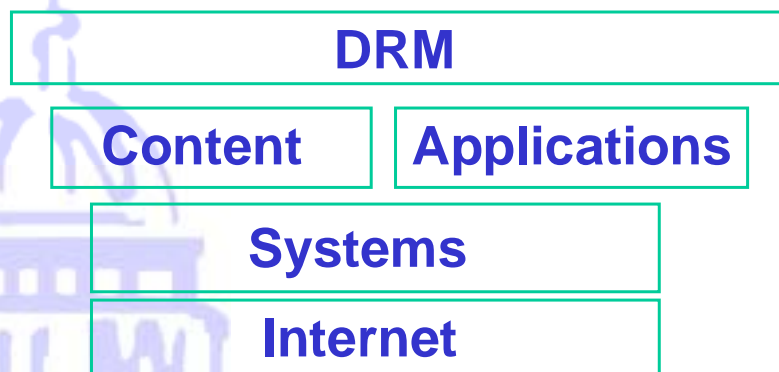
Rick Weingarten
IFLA/DRM
August 5, 2003

Substitute for Copyright Law

- Electronic automated “license”
- But, criminal penalties for breaking DRM, therefore
- No formal license or other agreement is necessary
- No legal framework balancing provider and user rights

Rick Weingarten
IFLA/DRM
August 5, 2003

DRM and The New Infrastructure



Rick Weingarten
IFLA/DRM
August 5, 2003

Why Do Libraries Care?



Rick Weingarten
IFLA/DRM
August 5, 2003

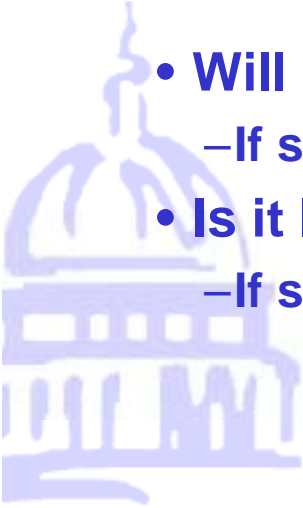
Threats to Libraries

- Technological impacts on operations
- Restrictions threaten services
 - Lending, fair use, archiving, etc
- Limitations on innovation
 - New forms
 - New distribution modes
- New legal obligations
- Broader impacts
 - Privacy, Access to public information, First amendment

Rick Weingarten
IFLA/DRM
August 5, 2003

Two Fundamental Questions

- Will it fail?
 - If so, why worry
- Is it Inevitable?
 - If so, better get cracking



Rick Weingarten
IFLA/DRM
August 5, 2003

Could It Fail?

- History of failure (DVX, SDMI)
- Very complicated standards process.
Lots of
 - players
 - formats (movies, music, texts, photos, etc.)
 - conflicting interests
 - technologies
- Consumer revolt!
 - Complexity and expense
 - Intrusion on customary uses
 - Ease of circumvention



Rick Weingarten
IFLA/DRM
August 5, 2003

Is it Inevitable?

- **Variety of Pressures**
 - Internet Security
 - Law enforcement
 - Other access control/ Surveillance incentives
 - International pressures
- **Merging industries**
 - Submerged conflicts of perspective
 - Sony, AOL/ Time Warner, etc.
- **Legislative/ Regulatory pressure**
 - Even if bills don't get passed.



Rick Weingarten
IFLA/DRM
August 5, 2003

Long Term Consequences

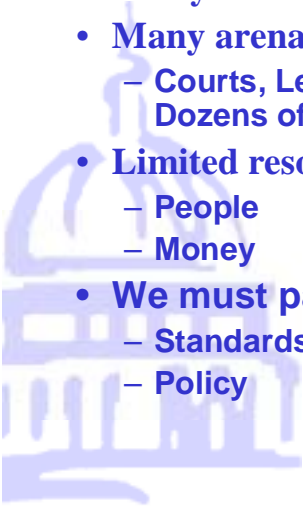
- **Unanticipated effects**
- **Powerful technology, far beyond copyright**
- **Information tools for modern authoritarian state**
 - Surveillance
 - Information control



Rick Weingarten
IFLA/DRM
August 5, 2003

Issues for Libraries

- **Policy and technical issues are complex**
- **Many arenas of action**
 - Courts, Legislature, International, Rulemakings, Dozens of private standards groups.
- **Limited resources to participate in standards**
 - People
 - Money
- **We must participate**
 - Standards
 - Policy



Rick Weingarten
IFLA/DRM
August 5, 2003