

Digital rights - who owns your download?

Written by 3K Admin

Wednesday, 18 August 2010 03:23 - Last Updated Wednesday, 18 August 2010 03:36

Think you really own the movies, eBooks and video games you've bought or downloaded? Think again.



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01.Digital Rights Management

Not long ago, you could buy a recording or piece of software and use it as you pleased you could give it away, sell it or make a copy for your own use. Advances in technology mean it's become much easier to copy digital media such as music, movies and computer games and because they're digital, all those copies are just as good as the original.

Consequently, copyright owners have become more anxious to prevent copying and other unapproved uses; Digital Rights Management (DRM) is the way they attempt to do so.

What is DRM and how does it work?

DRM puts coded information into the data that makes up a media file. This is then read by your media player or computer to decide what you're entitled to do with it, sometimes by checking an online authentication server. As a result, it may prevent copying or force you to sit through advertisements, and may limit the lifetime or number of times you can play the file.

It's difficult to argue with the intention behind DRM. It's an attempt to protect the rights of content owners in particular, to minimise profit loss to people who would rather copy than legitimately purchase a product. However, DRM mechanisms can often impinge on a consumer's ability to use their purchased product. Up until now, the emphasis has been to protect the product first, with the needs of consumers a poor second.

Why is DRM flawed?

Some of the restrictions imposed by DRM go beyond the protection of rights. The regional encodings of DVDs, for example, prevent players in Australia showing DVDs bought in another country (or from overseas through Amazon or eBay), often effectively denying access to foreign titles altogether here. The same restraints apply to electronic games. In 2005, Sony sought to prevent the use of mod-chips devices that allowed PlayStations to play games with different regional codes. The Australian High Court ruled against Sony, asserting that playing a game on a PlayStation did not involve copying it, so copyright law was not breached.

Other dubious side effects to some attempts to impose DRM: in 2005, Sony BMG produced some music CDs that surreptitiously installed two programs onto consumers' computers one to limit copies to three, and the other to send a message to a monitoring server every time it was played. While the former was arguably trying to protect Sony's rights, the second clearly went beyond this. More seriously, the existence of the software was not disclosed, and because it was installed as a rootkit (a form of software that exercises administrative control), it created an exposure to viruses that would not be easily detected. After the resulting uproar, Sony recalled the CDs and offered free tools to remove the software, though it took several attempts to get that right.

A brief history of copyright

Consumers have already seen an erosion of access to copyright material. When copyright was first introduced in England in 1709 under the Statute of Anne, the copyright period was 14 years, which was considered long enough to compensate the originator before freeing others to build on the idea. Now, it generally lasts for 70 years after the death of the originator which, in an era of rapid technological advance, takes it considerably past its relevance.

02.Consumers strike back

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There have been many attempts over the years to circumvent the constraints of digital rights management (DRM). Most famously, a small group in Norway, frustrated by their inability to play legitimate DVDs under Linux, developed a program called DeCSS to decrypt the contents. While their intent was just to make DVDs playable for consumers with Linux computers, their work exposed DVDs to unlimited copying without DRM. One of the developers was taken to court but later acquitted. There are now many variants of the decrypting code available on the internet, as well as a version, rather notoriously, printed on a T-shirt (the actual code is quite short and fits easily). Once out, it seems you can't put the genie back in the DRM bottle.

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Nowadays, DRM has largely been abandoned in the area of music, mainly due to consumer pressure. iTunes, for example, now sells music DRM-free, as do most other online music services. But DRM persists in products such as games and eBooks. Recently, games publisher Ubisoft implemented a type of DRM that requires users to be constantly online. Of course, it also requires the validation servers to be online too, and many experienced problems using the games. The PC game Settlers 7 refused to start from the moment it was purchased, and the problem persisted for weeks after the initial Australian release.

The surge in popularity of eBooks has seen a further growth in the use of DRM, preventing purchasers copying them from one device to another and limiting lifetimes. Amazon, which has DRM built into its Kindle eBook reader, deleted a number of titles from its repertoire upon discovering that the providers of the text did not, in fact, have rights to it. Unfortunately, this happened without notice, and consumers who believed they'd bought eBooks legitimately woke up to find that not only that their copies had disappeared from their Kindles, but so had their own notes and annotations. Ironically, the books concerned were George Orwell's classic dystopias Animal Farm and, rather appropriately, 1984 - the famous dissertation on what our future could become if we let overzealous controls go unchecked.

Instances such as these have led opponents of DRM to refer to it as digital restrictions management, as it often seems to restrict the rights of users rather than protect those of copyright holders.

CHOICE verdict

The irony is hard to ignore: in an attempt to prevent copying, DRM schemes often instead encourage consumers to do so (see Consumers Strike Back Against DRM, above) either to simply get products working, or retain control over their purchases (for example, to transfer songs to multiple devices).

Under the World Intellectual Property Organization (WIPO) Copyright Treaty of 1996, it is illegal in most countries (including Australia since 2007) to attempt to circumvent the copyright protections built into DRM, even when these measures go beyond the protection of legal rights. If you wish to have true ownership over the products you buy, and use them how and when you want to, ideally you would buy products that have no DRM at all. But this remains difficult for movies, games and eBooks, and because of the value of these products and the way they're consumed, it may be a long time before the precedent set by music works its way through to other media.

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