



Rollen, Rechte, Identitäten - Eine Aufgabe des Informationsmanagements

Digital rights management systems in context:
legal, political and technical issues

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Broad definition

A digital rights management system uses digital technologies to manage digital rights

- Management of digital rights
- Digital management of rights

Controlling access OR
enabling easy delivery of digital content?



Legal aspects of DRMS

European copyright Directive (2001)

- EUCD provides legal framework
 - Technical protection measures gain legal protection (Article 6)
 - Offence to manufacture, import, distribute, sell, rent or advertise a circumvention device *even if this is to make a copy under a lawful exception*
 - Balance between rightowner and user has shifted dramatically in the digital environment
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Legal aspects of DRMS

European copyright Directive (2001)

Some limitations

- Rightowners required to unlock content for some users e.g. libraries and the disabled
 - Encourages voluntary agreements between rightowners and users
 - Consumers have only limited protection
 - No protection for online content acquired by contract
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Legal aspects of DRMS

Technical measures in Germany

Implementation of EUCD 2003

Amendments to Urheberrechtsgesetz §95a, 95b, 108b

- No circumstance in which circumvention of TPM is legal - §108b specifies criminal sanctions
 - Rightowners must identify copy protection measures to enable assertion of claims under certain exceptions (§95a)
 - Rightholders subject to fines if voluntary agreements not reached
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Legal aspects of DRMS

Technical measures in Germany Urheberrechtgesetz §95a, 95b, 108b

- Resorting to the courts to enforce user rights 2 or 3 years later is not satisfactory
- Stifling effect on research into cryptography in US
- Germany - constitutional right to research & teaching
- Implications for competition in the marketplace
- Bundesministerium für Justiz 2003 - levy system and licensing schemes

Please remain vigilant!



Technical developments

Management of digital rights

- Identify digital content e.g. DOI
 - Describe the content e.g. metadata
 - Rule setting e.g. XrML
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Technical developments

Digital management of rights

- Securing & enforcing usage rules set by rightholder
 - Encryption e.g. Public-Private Key system
 - Integrity and authenticity of content e.g. digital signatures or watermarking
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Technical developments

DRM standards

- Many DRM solutions e.g. Adobe, DMD, Secure, IBM Electronic Media Management System, Intertrust, Liquid Audio, Microsoft Palladium, etc.
 - Development of a technical standard is key to marketplace acceptance of DRMS
 - Standards should be voluntary and industry-led
 - CEN working group report, February 2003
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Political initiatives

- European Commission want to promote open, flexible and interoperable DRMS
 - Encouraging European consensus, dialogue, high level workshops between players
 - Avoid a standard being imposed on Europe
 - US Hollings Bill to encourage agreement with threat of mandatory standard. Unlikely to succeed.
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Key issues for libraries

- Exceptions must be respected
 - Interoperable
 - Development of standards
 - Security & data protection
 - Circumvention
 - Clear labelling
 - Easy to use
 - Effective dispute resolution mechanisms
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Vielen Dank für Ihre Aufmerksamkeit!

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