

Digital Rights Management

*Adopted by the IEEE-USA
Board of Directors (17 Nov. 2017)*

While recognizing the legitimate desire of copyright owners, including the content industry, to protect their copyrights in the face of technological progression, IEEE-USA is concerned digital rights management systems¹ will upset the copyright balance that has existed for centuries between copyright owners and users (both commercial and consumer). Further, IEEE-USA believes such systems could cause problems with respect to technical innovation and impede the fair use and preservation of copyrighted works by future U.S. generations. We are particularly concerned about the effects of any digital rights management technology the government might mandate, or that industry might impose, without taking adequate care to protect the rights of users and the public in general.

To address such concerns, IEEE-USA recommends that developing any digital rights management system for future mass-market electronics devices be done through an open and transparent process prior to adoption. In addition, computer and content users must be encouraged to provide input throughout the process. IEEE-USA also strongly believes that any proposed digital rights management system must clearly maintain:

1. **Privacy** -- The digital rights management system must protect the privacy of systems users and of any data relating to the access, or use of, rights management information. For example, information about a particular user's access to works, or portions of works, must not be collectable.
2. **Security** -- The digital rights management system must not introduce new vulnerabilities, nor prevent users from securing their systems.
3. **Reliability and Accessibility**—Users must be able to reliably access the content to which they are entitled at all times. Access to other content, software, or hardware must never be blocked due to unintentional similarity to another work, or due to any error or design flaw in the digital rights management system.

¹ Digital Rights Management Systems (DRMS) are access control technologies designed to limit access, distribution and use of copyrighted works only to those entitled pursuant to a license from the rights holder.

4. The Scope of Copyright Protection—Digital rights management should not subvert the compromises between copyright owners, users, and the public interest in copyright laws, or the court cases interpreting them. Additionally, IEEE-USA believes that copyright protection must not be allowed to limit or eliminate reverse engineering of computer programs and interfaces or time-shifting of television programs (both found lawful by the courts), to extend protection to works not protected by copyright, or to limit current and future user rights, such as fair-use or first-sale rights. IEEE-USA further asserts digital rights management systems must not inhibit any user rights in digital works, as well as other user rights provided by intellectual property law.

5. Innovation and Competition – Digital rights management systems must be a means to protect copyright owners’ rights and must not impede innovation, competition, or consumer choice; nor create artificial barriers to competition and innovation; nor force users to repurchase media or media players.

6. Implementation Transparency —Digital rights management systems specifications should be developed in an open and transparent manner, and should be available to implementers under Fair, Reasonable and Non-Discriminatory (FRAND) terms. When mandated, such specifications must be developed in an open and transparent manner and must be available to implementers under FRAND terms.

7. Continued Access to Works—Unlike a printed work, a work protected by a copyright protection system can only be read by using a device implementing that system. It is important to develop some way to preserve access to such works for future reference and to implement the copyright bargain of protection for a limited time--after which the work enters the public domain and is free for all to use.

IEEE-USA supports initiatives to preserve the public's current and future fair use rights (e.g., first sale rights) to alternative media and encoding formats. Further, IEEE-USA supports initiatives to preserve the public's future and long-term access to copyrighted works--via technological or non-technological solutions, by the U.S. Copyright Office and the Library of Congress--to maintain usable and accessible archival copies of works, for generations to come.

This position statement does not address the dissemination of controlled, unclassified information (CUI)--a framework, established by executive order, designed to standardize practices, and improve the sharing of certain information, among government agencies.

This position statement was developed by the IEEE-USA Intellectual Property Committee, and represents the considered judgment of a group of U.S. IEEE members with expertise in the subject field. IEEE-USA advances the public good, and promotes the careers and public policy interests of the nearly 180,000 engineering, computing and allied professionals, who are U.S. members of the IEEE. The positions taken by IEEE-USA do not necessarily reflect the views of IEEE, or its other organizational units.