Digital Interoperability Forum

DIGITAL INTEROPERABILITY FORUM (DIF)[1]
RESPONSE TO THE PUBLIC CONSULTATION ON CONTENT ONLINE IN THE SINGLE MARKET

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Introduction

The Digital Interoperability Forum (DIF) is an industry group of many of the foremost players in Europe's world-leading digital television industry. DIF aims to promote a greater understanding of the role of investment and innovation by industry in delivering the benefits of digital and interactive television to Europe's citizens. DIF deals with policy and regulatory matters for digital and interactive television where there is a technology dimension. DIF members are committed to the development of industry-led solutions to make it commercially and technically possible for content to be made available to European consumers and citizens on the widest choice of platforms and devices.

DIF includes stakeholders representing all parts of the broadcasting and multimedia value chain, including transmission, hardware, software, middleware, platform operation and content provision.

DIF members recognise that it is compelling content and services which attract consumers to exploit the capabilities of digital and interactive television, including content delivered online. The availability of attractive content and services in turn requires sustained, tangible and substantial commitments by content developers, infrastructure providers, content aggregators and network operators to be successful. Crucially, content providers must be able to distribute content secure in the knowledge that it will not be used illegitimately and they will be able to obtain a return on their investment. In digital television this has been achieved through the implementation of secure Conditional Access systems.

DIF welcomes this opportunity to comment on the Consultation on content Online in the Single Market. In particular, DIF would like to address the specific section related to Digital Rights Management systems (DRMs).

[1] DIF represents many of Europe's pioneers in the delivery of digital and interactive television through satellite, cable and terrestrial platforms. Its members are: Advanced Digital Broadcast, Arqiva, BSkyB, Canal +, Flextech Television, Liberty Global, Microsoft TV, Nagravision, NDS, ntl; Telewest Broadband, Pace Micro Technology, Premiere, Sky Italia, t-online, TF1, TPS and ZetaCast

Responses to Selected Questions on Digital Rights Management systems (DRMs)

25. Do you use Digital Rights Management systems (DRMs) or intend to do so? If you do not use any, why not? Do you consider DRMs an appropriate means to manage and secure the distribution of copyrighted material in the online environment?

26. Do you have access to robust DRM systems providing what you consider to be an appropriate level of protection? If not, what is the reason for that? What are the consequences for you of not having access to a robust DRM system?

27. In the sector and in the country or countries you operate in, are DRMs widely used? Are these systems sufficiently transparent to creators and consumers? Are the systems used user-friendly?

28. Do you use copy protection measures? To what extent is such copy protection accepted by others in the sector and in the country or countries you operate in?

29. Are there any other issues concerning DRMs you would like to raise, such as governance, trust models and compliance, interoperability?

33. What actions (policy, support measures, research projects) could be taken at EU level to address the specific issues you raised? Do you have concrete proposals in this respect?

DIF Response:

The Digital Pay-TV industry is built on the concept of “Conditional Access”, based on strong content protection and enforcement of transactions between rights holders, service providers/ operators and consumers.

In this context, DRMs offer an extension of content consumption to multiple and diverse devices. Through DRM, content is no longer limited to distribution via traditional devices. However, as opportunities for digital distribution increase, so do incentives for piracy. Content creators, owners and distributors need freedom and security to experiment and create.

DIF believes that DRMs are essential to facilitating the availability of content, distributed by digital means, to Europe’s citizens. The implementation of DRMs will enable end users to acquire and consume content in new ways. DRMs which are secure - which stop piracy and protect copyright - will also encourage content providers to make content available.

The development of DRMs is a prime example of industry working to develop technology to the advantage of business content creators, and consumers alike.

DIF believes that it is DRMs that must fit business models, rather than business models fit DRM. Through its members' involvement in the communications and media sectors, DIF observes that the so-called converged digital world is, in fact, characterised by very significant diversity. This diversity is apparent in:

- the formats of content;
- the economic value of content and, hence, security requirements;
- the capabilities and functionalities of devices and media;
- the robustness of such devices with regard to piracy;
- modes of delivery of content;
- rights available from rights owners;
- licensing and compliance regimes for existing content protection systems; and
- expectations from end-users as to what functionality offered by new DRM - based services should be.

DIF believes that the consequence of this diversity is that emphasising the need for a "one-size-fits-all" approach is inappropriate and achieving such an approach is too ambitious. The focus should be on developing interoperable DRM solutions in the sort to medium term. It would take too long to develop open, cross-platform, multiple device DRMs that address the diverse and sometimes conflicting characteristics mentioned above.

DRMs are a very complex topic. This is evidenced by the fact that DVB (Digital Video Broadcasting Project) has now been working for five years on the definition of a content protection and copy management system for digital television a subject far simpler than a full-fledged DRMs. Given the need to have implementable DRM solutions quickly to ensure that the benefits of new technology are captured for the consumer and that the goals of i2010 are attained without undue delay, DIF considers that greater emphasis should be placed on ensuring that DRMs (where proprietary or open) are interoperable across platforms and devices.

Cross-platform interoperability of DRMs is desirable to enable the distribution of cross-platform applications and services but should only be developed in a industry-oriented fashion. DIF believes that industry-led solutions to DRM have the greatest chance of successful implementation. History shows that solutions developed and adopted on a consensual basis by industry can succeed – and solutions which are imposed or mandated are prone to failure. In this context, DIF believes that both proprietary and open DRMs have a role to play. DIF suggests, however, that in developing an interoperability framework for DRM, there should be no presumption that open standards are preferable

to proprietary ones. There are sufficient legal safeguards to ensure that proprietary DRMs can be made available as if they were open and sufficient advantages in terms of speeds of innovation, etc of proprietary DRMs to make them an attractive option for a developing technology in an environment where business models are also evolving rapidly.

Consequently, DIF believes that the objective of achieving interoperability between open and proprietary DRM systems, should be given more prominence than developing an open, end-to-end cross platform/cross device solution in the short to medium term. This would be best served by the development of a common baseline framework for DRMs, consisting in a set of tools that can be used to achieve interoperability, at various levels in the delivery chain or during the lifecycle of the content.

DIF observes that conditional access systems have been around for many years in the field of television broadcasting and that industry-led and-industry-oriented initiatives such as the DVB have led to the development of interoperability solutions (DVB Common Scrambling Algorithm and Simulcrypt). The experience of DIF members in developing and implementing interoperable Conditional Access systems through Simulcrypt provides a useful input into how to solve interoperability issues relating to DRMs. DIF would be pleased to contribute that experience to future work on DRMs.

DVB has an excellent track record in developing industry-led specifications in the field of broadcasting and has already established a number of working liaisons with other standardisation bodies and organizations involved in the development of open specifications and standards. In addition, DVB has a broad membership, highly representative of the industry, and not limited to certain interest groups.