THE UK PUBLISHERS ASSOCIATION

COPYRIGHT – DIGITAL RIGHTS MANAGEMENT (DRM)

The acronym DRM (Digital Rights Management – or The Management of Digital Rights) is used relatively sparingly by the publishing industry largely because the confusion surrounding the term and the loose interpretations given to it tend to distort what publishers managing electronic content particularly require of this technology – which is more properly an end to end trading solution.

In the publishing industry, the progressive delivery of electronic content over on-line networks in the increasingly customised or personalised formats which new markets demand, has created the need for a digital management system which enables such content to be "prefixed" by appropriate "authentication" together with information covering the usage rights and licence terms conditional on its use and delivery – offering content owners and their customers a convenient "one-stop-shop" solution.   While in the print environment these delivery and usage conditions are normally expressed in formal contracts, in the digital context the ability to communicate contractual terms integral to the content and the transaction on-line offers major efficiency benefits in managing digital resources and facilitating compliance.

During the early stages of DRM promotion and development, fears of copyright piracy and aggressive marketing by technology companies pushing proprietory DRM systems caused DRMs to be primarily associated with security technologies and Technical Protection Measures (TPM).   While control and protection is clearly one aspect of any electronic management system, the journal publishers (who were first in this field), wanted a system which would replicate the "trust compliance" models which operated successfully in the print environment. For the publishing sector, the TPM aspect of the technology was less useful as a copyright management tool (all DRM solutions are ultimately hackable anyway) than a wider end – to - end digital rights trading solution as part of a "collaborative" technology which could facilitate the development of new consumer models aimed at customer preference.

The sector therefore remained shy of proprietary systems focussing on security solutions, and was not supportive of trusted computer platforms which embedded TPM technology, not only because of a dislike of "monopoly gateways" but also because the remote control of this kind of DRM technology could remove the rightsholder from the contractual compliance relationship with the customer upon which the journals business is based. Instead the sector preferred an "open architecture" approach, based on open international standards to be achieved through ISO (MPEG 21) and based on the principle of interoperability – both of electronic language and machine delivery platforms. This contributed to the development of a Rights Data Dictionary as an MPEG 21 International Standard, and from that to the development of a Rights Expression Language (in a standard XML format) which is the basis of **ONIX for Licensing Terms** currently being developed in collaboration with the US Digital Libraries Foundation and in the UK with the joint Information Systems Committee of the Higher Education Funding Councils and the British Library.

The Automated Content Access Protocol (ACAP) (to be formally launched in November 2006), which is supported by Book, Newspaper and Magazine publishers through their respective International Organisations is built upon the initial platform provided by the ONIX family of technologies – which can therefore be consolidated through this International cross/sector dimension.

In the UK publishing sector therefore, the term DRM is used less as a generic description, and more specific reference is made to "Digital Management of Rights", "Electronic Content Management Systems", "Rights Expression Language" or "Electronic Supply Chain Technology" according to the context.

In general terms, the UK industry also equated DRM technology with the "licensing route", as preferable to the machine levy systems operated in some EU Member States.

Electronic Content Management Systems – progressing the technology

A major information service industry within the knowledge economy, the publishing sector requires a broad "engagement" technology sufficiently flexible and comprehensive to fulfil simultaneously the following range of functions within a single transaction:-

a) The authorisation and **authentication** of the content offered (or part thereof).

b) **Information** about usage rights, payment terms or licence provisions.

c) delivery of an "interoperable" package enabling the combination and exchange of different kinds of content (including "enhanced" text) and its distribution via a variety of electronic delivery systems and platforms. (This requires a standards component to meet the demand across the whole spectrum for content to move seamlessly and interchangeably across networks and technical platforms).

d) Electronic **controls** allowing access and use management in accordance with compliance terms – inclusive of payment terms and technical measures within an electronic copyright management infrastructure.

This technology allows publishers to create a mix of potential business models, derived from traditional practice, but combining directions regarding members and types of users, specific time frame, republication conditions and delivery at specific locations – allowing a fine discrimination according to the institution or private individual wanting that content, and how they want to use it. Its application also offers an efficient method of implementing Copyright Exceptions in the digital on-line environment.

This "enabling" technology, while largely progressed through Journals and STM sector will be increasingly applicable – depending on the level of compliance or usage required – across the wide spectrum of the publishing industry – whether when licensing the search of electronic repositories, or the downloading of individual products.

The DRM Debate

TPM as part of DRM (a confusion)
The association of DRM technology, and thereafter its confusion with Technical Protection Measures (TPMs), together with legitimate legal safeguards against their circumvention, have raised concerns that the use of DRM may prevent consumers from accessing and using copyright works for "fair dealing" or other lawful purposes. It is the consistent position of the publishing industry that this technology may only be operated and deployed as prescribed by existing law. Indeed its ability to manage content down to individual or micro levels means that is has the facility to ensure also the delivery of legal exemptions or copyright exceptions to a very precise degree.

This sensitivity allows the use of such measures within the "fair dealing" and other service environments. Libraries and intermediaries routinely use measures to manage digital content in line with their licences and permissions (e.g. regulating the number of copies that can be taken etc). The library sector which has to manage a plethora of contracts – and manually apply both legal exceptions and conditions of usage into their systems have – has a strong interest in adopting integrated electronic rights management systems (which is why **ONIX for Licensing Terms** has proved such a fruitful area of collaboration).

In the context of commercial intermediaries, e-book distributors may use TPMs to support specific business models and while these protection measures may not be applied directly by publishers, their sensitive deployment by intermediaries can underpin the confidence of rightsholders who are more ready to allow the use of their works within untested service environments – and this can contribute to the development of new, innovative digital markets in their own right.

TPM's as an element of the (DRM) transactional technology therefore need to be seen in the practical context which they are intended to serve. Because problems of widespread pirating of electronic works derive from the illegal application of some new technology and from the nature of the Internet itself, and given that legal remedies, while available, tend to be cumbersome and costly technical protection measures within the transaction are a prophylactic mechanism applying the premise that "the answer to the machine lies in the machine".