



POSITION STATEMENT

DIGITAL RIGHTS MANAGEMENT

*Adopted by the IEEE-USA
Board of Directors, 15 June 2007*

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 that digital rights management systems will upset the copyright balance between copyright owners and users (both commercial and consumer), and cause other problems with respect to technical innovation in the United States. We are particularly concerned about the effects of any digital rights management technology that might be mandated by the government, or that might be imposed by industry without taking adequate care to protect the rights of users.

IEEE-USA recommends that the development of any digital rights management system for future mass-market electronics devices be done through an open and transparent process prior to adoption. 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 system 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.

4. The Scope of Copyright Protection -- Digital rights management should not subvert the compromises between copyright owners and users in the copyright laws, and 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, and time-shifting of television programs, both found lawful by the courts; to extend protection to works not protected by copyright; or to limit user rights, such as fair-use or first-sale rights.

5. Business Models -- It should not be the purpose of a mandated digital rights management system to pick particular business or technology models, particularly in the way that software or hardware is developed, distributed, or used. It should also not favor one technology path over others, or otherwise inhibit technology development -- but rather let market demand resolve such issues.

6. Controlled Cost to Users -- Any copy protection system should not impose unnecessary costs to users. Cost burden should not be required for devices not normally used for copying copyrighted content (such as microwave ovens or other computer-controlled appliances and mass-market devices with embedded computers), or computer programs that do not play music or video from the content providers. Copyright protection should not be used to force users to purchase new, or to repair, maintain, or upgrade, computers or (DVD or CD players to continue their past lawful uses of the Internet.

7. Availability for Implementation -- Any mandated copy protection system and its specifications must be available to those implementing the system, without the payment of a royalty, and must not impose unreasonable burdens.

8. Continued Access to Works -- Unlike a printed work, a work protected by a copyright protection system can only be read using a device implementing that system. It is important that some way to preserve access to such works for future reference be developed, 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.

This statement was developed by the Intellectual Property Committee of the IEEE-United States of America (IEEE-USA) and represents the considered judgment of a group of U.S. IEEE members with expertise in the subject field. IEEE-USA is an organizational unit of the Institute of Electrical and Electronics Engineers, Inc., created in 1973 to advance the public good and promote the careers and public policy interests of the more than 220,000 technical professionals who are U.S. members of the IEEE. The positions taken by IEEE-USA do not necessarily reflect the views of the IEEE or its other organizational units.