



## POSITION STATEMENT

### DIGITAL RIGHTS MANAGEMENT

*Adopted by the IEEE-USA  
Board of Directors, 11 Nov. 2011*

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, users and the public interest in 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 current and future user rights, such as fair-use or first-sale rights. IEEE-USA believes that all user rights in digital works, as well as other user rights provided by intellectual property law, must not be inhibited by digital rights management systems.

5. **Innovation and Competition** -- Digital rights management systems must be a means to protect the rights of copyright owners 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. **Transparency of Implementation** -- Digital rights management system 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 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. 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. IEEE-USA further 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.

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 that has existed for centuries between copyright owners and users (both commercial and consumer), cause problems with respect to technical innovation and impede the fair use and preservation by future generations of copyrighted works in the United States.

We are particularly concerned about the effects of any digital rights management technology that the government might mandate, or that industry might impose imposed without taking adequate care to protect the rights of users and the public in general.

This statement was developed by the IEEE-USA Intellectual Property Policy 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 more than 210,000 engineers, scientists and allied professionals who are U.S. members of IEEE. The positions taken by IEEE-USA do not necessarily reflect the views of IEEE or its other organizational units.