

Established in 1882

## Assignment on: Digital Rights Management and Fair Use



MLIS (2023-2024)

# **INTRODUCTION**

Information and communication technologies, internet and World Wide Web have transformed the information explosion. Now the e-publishing agencies and digital libraries face the challenge to protect the authority rights and fair use of the digitized reading material. The DRM is set up as a system for the protection of digital works, created or designed to protect the unauthorized duplication and illegal distribution of copyrighted digital products. In the internet world, it is very easy to copy and illegally sell a variety of marketed digital information and products. So, this type of technique prevents users from adopting any illegal and unauthorized attempts. The purpose of DRM technology is to control access to, track and limit uses of digital works.

## **MEANING**

DRM, or Digital Rights Management, is a set of technologies and policies used to protect digital content from unauthorized access, use, and distribution. It is used by content creators, publishers, and distributors to control how digital content such as music, movies, eBooks, and software can be accessed, copied, and shared.

DRM typically involves encrypting digital content with a unique key that is tied to a specific device or user account. This allows content owners to restrict access to the content and prevent it from being shared or copied without authorization. DRM can also include other measures, such as watermarks or digital signatures, that help to track the use and distribution of digital content.

# **DEFINITION**

**World Intellectual Property Organization (WIPO)** defines DRM as “*a system for protecting the rights of creators and distributors of digital works by controlling access to and use of those works.*”

**Brittanica** defines DRM as “*protection of copyrighted works by various means to control or prevent digital copies from being shared over computer networks or telecommunication networks.*”

**Digital Millennium Copyright Act (DMCA) of the United States** defines : “*Digital Rights Management refers to technology, devices, or services that protect digital media from unauthorized access, use, copying, or distribution, as well as the use of such technology, devices, or services to enforce access control measures.*”

# **WORKING**

DRM technology works by encrypting the digital content, controlling access through licenses or keys, and providing authentication, authorization, decryption, usage controls, and tracking mechanisms to protect digital content such as eBooks, music, and videos from unauthorized access and distribution. DRM technology working:

**1. Content Encryption:** DRM technology encrypts the digital content to protect it from unauthorized access and copying. Encryption converts the content into a format that can only be accessed by authorized users who have the necessary permissions.

**2. License and Key Distribution:** The DRM system provides users with a license or key that grants them access to the encrypted content. The license or key is distributed via various channels such as online stores, streaming services, or email.

**3. Authentication:** The user must authenticate themselves to gain access to the content. Authentication can be based on various factors such as passwords, licenses, keys, biometrics, and digital signatures.

**4. Authorization:** The DRM system verifies the user permissions to access the content based on the license or key provided. Authorization can be based on various factors such as user roles, license types, and usage restrictions.

**5. Decryption:** Once the user is authenticated and authorized, the DRM system decrypts the content to allow the user to access it. The decryption process converts the encrypted content back into its original format, allowing the user to view or listen to the content.

**6. Usage Controls:** The DRM system provides usage controls to restrict the usage of digital content. Usage controls can include limiting the number of times a file can be accessed, preventing copying, or printing, and disabling certain features.

**7. Tracking and Reporting:** The DRM system provides tracking and reporting mechanisms to monitor the usage of digital content and prevent unauthorized distribution. Tracking can include monitoring the number of times a file has been accessed, the duration of access, and the location of access.

## **BENEFITS**

Digital Rights Management (DRM) technology provides several benefits for content owners, distributors, and consumers such as:

**1. Protecting Intellectual Property:** DRM helps to protect the intellectual property rights of content owners by preventing unauthorized copying, sharing, or distribution of digital content. This helps to prevent revenue loss due to piracy and unauthorized use of copyrighted material.

2. **Enabling Flexible Licensing Models:** DRM allows content owners to create flexible licensing models that can be customized to meet the needs of different customers and market segments. This can include pay-per-use, subscription, and time-limited access models.
3. **Enhancing Revenue Streams:** DRM can help content owners to generate new revenue streams by creating new licensing models, offering premium content, and expanding their customer base. This can result in increased revenue and profits for content owners and distributors.
4. **Providing Usage Analytics:** DRM can provide usage analytics and tracking data that can help content owners to understand how their content is being used, and to identify new revenue opportunities. Usage analytics can also help to enforce usage policies and detect unauthorized access or usage.
5. **Providing Better Security:** DRM provides better security for digital content by encrypting and protecting the content from unauthorized access or tampering. This helps to prevent content theft, piracy, and other forms of unauthorized use.
6. **Enabling Access Controls:** DRM allows content owners to control access to their content, and to enforce usage policies that define how the content can be used. This can help to prevent misuse of content, and to ensure that content is only used in authorized ways.

## **DRM in Libraries**

Digital Rights Management (DRM) technology can be used in libraries to protect and manage digital content, such as eBooks, audiobooks, and other types of digital media. DRM can help libraries to control access to digital content, manage usage rights, and prevent unauthorized copying and distribution of digital works.

## **Libraries can use DRM technology to:**

**1. Control access to digital content:** DRM can be used to limit access to digital content to authorized users only. This can help libraries to protect copyrighted works and ensure that they are only accessed by those who have the right to do so.

**2. Manage usage rights:** DRM can be used to manage usage rights for digital content, such as limiting the number of times a work can be accessed or printed. This can help libraries to control the use of digital content and prevent unauthorized copying or distribution.

**3. Protect copyrighted works:** DRM can help libraries to protect copyrighted works from unauthorized copying and distribution. By using DRM, libraries can prevent users from making unauthorized copies of digital works and ensure that they are used in accordance with copyright laws.

**4. Provide remote access to digital content:** DRM technology can also be used to provide remote access to digital content, allowing library patrons to access digital works from their own devices, such as laptops, tablets, or smartphones.

- Many commercially licensed resources are bundled with digital rights licenses or watermarks that may be imperceptible to the libraries as well as to the end users.
- Libraries may license resources, such as images and videos, which may require a DRM system to protect the files from copying or misuse.
- Digital signature or the hand-written signatures are used to regulate the access to digital content.
- E-books in the library use DRM technology to limit copying, printing, and sharing of e-books. E-books are usually limited to a certain number of reading devices and some E-publishers prevent any copying or printing.

# **CHALLENGES**

Digital Rights Management (DRM) is a technology used to protect digital content from being copied or distributed without permission. While DRM has some benefits, such as helping content creators protect their intellectual property and ensuring that they are compensated for their work, it also poses several challenges:

1. **Interoperability:** DRM can make it difficult for consumers to use the content they have purchased on multiple devices or platforms. This is because different DRM systems may not be compatible with each other.
2. **Limitations on fair use:** DRM can restrict users from exercising their fair use rights, such as using excerpts of copyrighted material for commentary, criticism, or educational purposes.
3. **Privacy concerns:** DRM often requires users to provide personal information to access the content. This can raise privacy concerns, especially if the information is collected and used in ways that the user did not anticipate.
4. **Unintended consequences:** DRM can have unintended consequences, such as limiting the availability of content to users in certain geographic regions or impeding the ability of people with disabilities to access the content.
5. **Technical issues:** DRM can cause technical problems, such as preventing users from accessing content if they lose their internet connection or if the DRM system malfunctions.
6. **Cost:** Implementing DRM can be expensive, and the costs are often passed on to consumers in the form of higher prices for content.

# **CONCLUSION**

The way to protect the copyrights of digital media is known as digital rights management. This includes the use of technologies to restrict the limit of copyrighting and the work which is used by proprietary software and copyrighted. The technologies that engage in piracy were not caught by digital rights management. The applications were used by the publishers, authors, and content creators to encrypt the data, media, e-book, software, content, or other copyrighted materials. Many companies were helped by digital right management to access the confidential information to restrict access to the sensitive data at the same time to allow these files to get shared easily with the use of these technologies. The information is criminalized interference under section 65B with the digital right management. The terms used in the provisions did not explicitly define the concern of the Parliamentary Standing Committees which indicates the same to get deliberated.



## FAIR USE

Fair use is a legal principle that allows individuals to use copyrighted material without permission from the copyright holder for certain purposes, such as criticism, commentary, news reporting, teaching, scholarship, or research.



The fair use is intended to strike a balance between the interests of copyright owners in protecting their works and the interests of the public in accessing and using those works.

## DEFINITION OF FAIR USE

**World Intellectual Property Organization (WIPO):** “Fair use is a legal concept that allows the use of copyrighted material without obtaining permission from the copyright owner. It is generally considered permissible for purposes such as criticism, comment, news reporting, teaching, scholarship, and research, as long as the use is considered fair and does not harm the market for the original work.”

**American Library Association (ALA):** “Fair use is the right to use copyrighted material without permission or payment for certain limited purposes, such as for criticism, comment, news reporting, teaching, scholarship, and research. Fair use is a crucial limitation on the exclusive rights of the copyright owner, designed to balance the interests of creators and users of copyrighted works.”

**Stanford University Libraries:** “Fair use is a legal doctrine that allows for the limited use of copyrighted material without permission from the copyright owner. It is a flexible and context-dependent concept that is intended to promote creativity, education, and free expression, while also respecting the rights of copyright owners.”

## **FOUR FACTORS OF FAIR USE**

Copyright law provides four factors to consider whether the use of copyrighted works is fair:

- I. What is the purpose and character of the use of the Content: Fair use includes whether its use is of a commercial nature, or for non-profit educational purposes.
- II. Nature of the copyrighted work: whether it is factual or creative in nature
- III. Quantity and adequacy of the portion used: with respect to the copyrighted work as a whole
- IV. Also includes the effect of the use on the potential market or value of the copyrighted work.

## **REFERENCE**

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