

## Focus on Publishing

# In the Cloud We Trust?

by ROBIN PEEK

Web 2.0, webware, and cloud computing have all offered potential users the ultimate enticement: free service. This has led to a common mantra among new adopters: "I didn't know that I needed or even wanted this service, but it's free, so I must try it."

And even when the initial enthusiasm of having a new gee-whiz toy to play with wears off, these accounts are easy to hold on to because of the price or lack thereof (unless, of course, the insidious emails and pop-ups begging you to upgrade finally break through the annoyance barrier).

Now I will admit that when a new technological gadget comes along, my curiosity usually gets the best of me. Case in point: Jott Networks, Inc.'s Jott service, which lets users send themselves voice-

to-text notes with their mobile devices. I signed up for an account and even inputted the number into my cell phone. Then I waited for a reason to leave a note, which never came, and Jott soon receded from my memory like so many other cloud-based applications.

But with the world economic downturn came the end of the Golden Age of the Cloud, and dark storms began to loom, demonstrating the fragile underpinnings of this rather mythical digital place. Soon many cloud services began sending a barrage of emails begging, cajoling, and even offering users \$5 Starbucks gift certificates to ensure another chance. Eventually, more emails were sent, this time stating that advertising revenues were no longer enough, and users would be charged to use the services they weren't using in the first place. Many users said so long and

unsubscribed, leaving behind a collection of startups that never grew up.

As a result, many startup companies appear to be hoping (and maybe hoped from the beginning) that Microsoft or Google will buy them and send them to the promised land, where economic rules don't seem to apply the same way they do in the rest of the world. But Washington state hasn't been immune to these ravages, and even Google has concluded that many of its webware applications will never leave beta form and must go to the garbage bin.

## The Bean Counters Cometh

The first time we had a dot-com bust, it was caused, in hindsight, by greed and foolishness. Pets.com's famous sock puppet would cheerily chirp the motto, "Because pets can't drive," failing to note, however, that pets also can't type. Although now, in its current iteration, the site (powered by PetSmart.com) does let pets set up their own blogs and write in the first person. I've also been informed that pets can now use

Twitter, which brings me to the point of the Web 2.0 effect.

Previously, there was at least an effort to create web-based software that people actually wanted to use, at least in theory. Part of the magic of Google was that it brought many web-based applications together in one place and assured users that no matter what was to come, those applications would be there for them.

That turned out to be wrong as economic realities hit Google too. New CFO Patrick Pichette has been credited by many for bringing a new discipline to the company that includes laying off recruiters and reducing cafeteria services among other things.

The first Google service on the chopping block was Google Video, which somehow held on even after the acquisition of

(continued on page 14)



Robin Peek

## Internet Waves

# So You Think You Know the Internet?

by SHIRLEY DUGLIN KENNEDY

I hate to generalize, folks, but the more of these questions you can answer, the less of a life you probably have (and you might be pretty old too).



Shirley Duglin Kennedy

Of course, I'm the one who came up with this collection. So what does that say about me?

Don't answer that. Instead, test your internet IQ by taking a stab at answering the questions below. (Need some help? Check the URLs at the bottom of the column.)

1. Who coined the term "meme" and when?
2. True or false: William Gibson first used the term "cyberspace" in his 1984 novel, *Neuromancer*.
3. What is Godwin's Law?
4. What is an acoustic coupler?
5. Where was the Trojan Room coffee pot located?
6. Where was the original internet Coke machine located?
7. Who were the Green Card Lawyers?

8. The Dancing Baby was also known as what?
9. What does AYBABTU stand for?
10. True or false: "Smilies" were invented in 1982 by Scott E. Fahlman, a professor at Carnegie Mellon University.
11. What other animal makes an appearance in "Badger Badger Badger"?
12. What company created the Subservient Chicken?
13. Pastafarianism is the belief system of what religion?
14. Who created Blogger and when?
15. What does ICHC stand for?
16. Who used the term "series of tubes" to describe the internet?
17. Who were Brandy's Babes?
18. What is "rickrolling"?
19. What is Obama Girl's real name?
20. Who is Caitlin Upton?
21. What type of dancing fruit is featured in "It's Peanut Butter Jelly Time!"
22. Where and when was "Don't tase me, bro" shouted?

(continued on page 16)

## Legal Issues

# Copyright Office to Consider DMCA Exemptions

by GEORGE H. PIKE

Digital Rights Management (DRM) systems are a fact of life for copyrighted digital content. DVDs and Blu-ray Discs, licensed and CD-ROM databases, downloaded/streamed music and video, and even some audio CDs all have DRM systems in place to prevent unauthorized access to the content. DRM systems are so common that Apple recently made a big splash by announcing that music downloaded through its iTunes store would soon be sold without any DRM restrictions.

DRM systems often conflict with some of the rights given to copyright users. For example, copyright users may have a fair use right to excerpt clips from a DVD for classroom use or to share a database file through Interlibrary Loan. Software users may need to access source code to make software work in alternate environments or circumstances. DRM measures also prevent users from exercising these rights by preventing them from gaining access to the content. Courts have held that the use of a DRM system is part of the rights granted to copyright owners and that fair use cannot require a copyright owner to disable a DRM system.

## Digital Millennium Copyright Act of 1998

The Digital Millennium Copyright Act (DMCA), enacted in 1998, includes a con-

troversial provision that prohibits the circumvention of DRM systems by those who use copyrighted content. The penalty for a violation of this section can be up to \$500,000 and 5 years in prison. Critics of this provision see it as a way of creating even more difficulty for and intimidation of those who want to exercise their fair use and other access rights.

However, the DMCA permits the U.S. Copyright Office (USCO) to implement exemptions for "users of copyrighted works" who are "adversely affected in their ability to make noninfringing uses" of those works. This process occurs every 3 years, and in late December 2008, the USCO published the most recent list of possible exemptions.

## A List of 25 Proposals

After the USCO invited members of the public and interested user groups to present arguments to support specific exemptions, a list of 25 proposed exemptions was generated. These proposed exemptions, which came from nearly 20 separate individuals and groups, were published in the *Federal Register* on Dec.

(continued on page 17)



George H. Pike

48. Who is generally regarded as “the father of the internet”? Where does he work now?

49. Who is the founder of Project Gutenberg, and when did it get started?

50. What is Z39.50?

9. www.cnet.com/1990-11136\_1-6268155-1.html

10. www.snopes.com/computer/internet/smiley.asp

11. www.badgerbadgerbadger.com

12. www.snopes.com/business/viral/chicken.asp

13. www.venganza.org

14. www.cnet.com/1990-11136\_1-6268155-1.html

15. http://icanhascheezburger.com

16. www.youtube.com/watch?v=f99PcP0aFNE

17. www.time.com/time/magazine/article/0,9171,982769,00.html?iid=chix-sphere

18. www.nytimes.com/2008/03/24/business/media/24rick.html

19. http://abcnews.go.com/Politics/story?id=3279937&page=1

20. www.youtube.com/watch?v=lj3iNxZ8Dww

21. http://kuoi.com/~davidcb/sounds/banana.swf

22. http://fieldnotes.msnbc.msn.com/archive/2007/10/31/441568.aspx

23. http://cgi.amazing.com/jennifer

24. www.wired.com/culture/lifestyle/news/2001/09/46566

25. www.ikissyou.org

26. www.cnet.com/1990-11136\_1-6268155-1.html

27. http://oneredpaperclip.blogspot.com

28. http://meta.slashdot.org/article.pl?sid=07/10/02/1553218

29. www.hrwiki.org/index.php/The\_Brothers\_Chaps

30. http://info.cern.ch

31. http://joecartoon.atom.com/cartoons/channel/6-press\_n\_splode/page/2

32. www.livinginternet.com/w/wi\_mosaic.htm

33. www.livinginternet.com/u/ui\_bitnet.htm

34. www.cnet.com/1990-11136\_1-6278387-1.html

35. http://scout.wisc.edu/About/index.php

36. http://phx.corporate-ir.net/phoenix.zhtml?c=176060&p=irol-corporateTimeline

37. www.well.com/conf/welltales/timeline.html

38. www.eff.org/about

39. http://feedbus.com

40. www.philzimmermann.com/EN/background/index.html

41. www.wired.com/science/discoveries/news/2004/04/62988

42. www.cs.indiana.edu/docproject/zen/zen-1.0\_toc.html

43. http://groups.csail.mit.edu/mac/classes/6.805/articles/morris-worm.html

44. www.ziplink.net/~lroberts/InternetChronology.html

45. http://catb.org/jargon/html/I/Internet-Death-Penalty.html

46. www.zakon.org/robert/internet/timeline

47. http://computer.howstuffworks.com/web-server8.htm

48. www.google.com/press/pressrel/vintcerf.html

49. www.gutenberg.org/wiki/Gutenberg:The\_History\_and\_Philosophy\_of\_Project\_Gutenberg\_by\_Michael\_Hart

50. www.loc.gov/z3950/gateway.html

OK, give up? Here’s a cheat sheet for those questions you missed.

1. www.rubinghscience.org/memetics/dawkinsmemes.html

2. www.antonraubenweiss.com/gibson/download/gibson\_faq.txt

3. www.faqs.org/faqs/usenet/legends/godwin

4. www.cs.unc.edu/Outreach/vr/computer\_museum/acoustic\_coupler1.html

5. www.cl.cam.ac.uk/coffee/qs/coffee.html

6. www.cs.cmu.edu/~coke

7. http://lcs.www.media.mit.edu/people/fooner/Essays/Civil-Liberties/Project/green-card-lawyers.html

8. www.cnet.com/1990-11136\_1-6268155-1.html

Shirley Duglin Kennedy is a news researcher for the St. Petersburg Times. She is also senior editor of DocuTicker.com and ResourceShelf.com. She can be reached at shirl.kennedy@docuticker.com. Send your comments about this column to itletters@infotoday.com.

Legal Issues

(continued from page 13)

29, 2008. The following exemptions are among the ones being suggested:

To unlock streaming video, movies, and other content that require specific operating systems or hardware to be viewed on alternate platforms

Several proposals to allow access to movies, DVDs, and other digital audio/visual (A/V) works for a broad range of educational purposes under the Fair Use doctrine

Several proposals to enhance interoperability between software applications and wireless telephone handsets

Exemptions to do forensic analysis of computer software

An exemption to allow testing of security flaws and vulnerabilities in DRM systems

An exemption for time-shifting of DRM-protected digital television broadcasts

An exemption to remove DRM systems that are dependent on interaction with an authenticating

server, when the authenticating server’s owner discontinues operations

An exemption to allow documentary and student filmmakers to access DRM-protected DVD content under the Fair Use doctrine

If past history is an indicator, the USCO is likely to formally adopt only a few of these proposed exemptions. The DMCA requires the USCO to consider new exemptions every 3 years. However, the act does not require the USCO to approve any particular number or category of exemptions, and any exemptions they do adopt are only in place for 3 years.

The USCO has gone through this exemption process three other times in 2000, 2003, and 2006. During the first exemption cycle in 2000, the USCO received more than 12 proposals and adopted only two of them: an exemption to compile lists of websites blocked by software filters and an exemption for accessing digital “literary works” that are otherwise inaccessible due to malfunction, damage, or obsolete hardware.

Exemptions to Use Obsolete Software

The process was repeated in 2003: Four exemptions were accepted, and 24 exemptions were rejected. The accepted exemptions included continuing the exemption for compilations of websites blocked by

software filters, but the USCO added new language stating that the exemption did not apply to spam and virus-filtering software. The exemption for accessing content on damaged or obsolete platforms was expanded to include computer programs and video games. A new exemption—continued through 2006 and proposed again in 2009—was created to permit expanded access to ebooks for use in specialized readers for the visually impaired.

In 2006, six exemptions were adopted and 11 were rejected. Exemptions were continued for accessing obsolete content and ebook access by specialized readers. A new exemption was adopted for use of A/V works for educational purposes, but only in media studies or film school programs. Additional exemptions allow cell phone firmware to be circumvented to allow access to alternate wireless networks and to investigate security flaws in audio CDs protected by DRM systems. Interestingly, continuation of the exemption for compilations of blocked websites was rejected.

Fair Use Exemptions Previously Rejected

So as we come to the 2009 list, we can again expect some of the proposals to be adopted, but most of the proposals are likely to be rejected. Several of this year’s proposals have been previously proposed and rejected, including broad exemptions for accessing DVDs for educational use or on alternate platforms (such as Linux)

and time shifting and/or space shifting of DRM-protected content. The good news is that there does seem to be a trend toward more exemptions rather than fewer as the USCO continues some existing exemptions while adding new ones.

While the deadline for initial comments has passed, based on past practice, the USCO will hold hearings on the proposal, probably in spring 2009 and in multiple locations. An opportunity for post-hearing comments is also expected with the final list of exemptions being published in fall 2009. Members of the information industry should take advantage of these opportunities to make your opinions on these exemptions known.

George H. Pike is director of the Barco Law Library and assistant professor of law at the University of Pittsburgh School of Law. His email address is gpik@pitt.edu. Send your comments about this column to itletters@infotoday.com.

CHECK THE INFORMATION TODAY, INC. WEBSITE (WWW.INFOTODAY.COM) FOR THE LATEST INDUSTRY NEWSBREAKS.

Copyright of Information Today is the property of Information Today Inc. and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.