

# How did we fix DRM in Portugal (and so can you)

Marcos Marado

Paula Simões

<https://ansol.org>

15 years...

# The new DRM law in Portugal in detail

- extending DRM's definition:

*Article 217º [...] the **expression “technological measures” means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of protected works, that are not exceptions to the copyright**, provided in the nº 2 of the article 75º, in the article 81º, in the nº4 of the article 152º and in the nº1 of the article [...]*

- making it clear: DRM cannot prevent the exercise of exceptions because the law does not consider it DRM

# 1. Document yourself

- a. What is DRM and how does it work?
- b. Check the arguments used by those in favour of DRM;
- c. Find how to deconstruct them.

# 2. What does the European Directive say?

- a. Check [articles 6 and 7 of the InfoSoc](#) (Usually, the law does not refer to the term DRM, but instead it uses "technological measures" or "protection measures".)

# 3. What does your national law say?

- a. What is the definition of DRM in the law?
- b. What happens when a user breaks the DRM?
- c. Is there some type of solution?
- d. What copyright exceptions does your country have?

## 4. Test the law

## 5. Raise awareness and educate

a. The Public



		<b>Rodrigo Leão – Cinema</b>	
Label:	Columbia – COL 517669 2, Sony Music Entertainment (Portugal) 5176692000		
Format:	CD, Album, Copy Protected		
Country:	Portugal		
Released:	2004		
Genre:	Classical, Electronic, Folk, World, & Country, Stage & Screen		
Style:	Contemporary		

 **DRM**

## b. Politicians

emails, meetings, invitations to events where we would talk about DRM

After a law proposal -> send contributions, go to the Parliament

Before the discussion in the plenary took place, we made small books, with a hole in them, and a physical lock preventing the books from being opened. We sent the locked books and the keys to the members of the parliament. The book itself explained the DRM problem in the law, and the analogy with the item they were just reading. During the plenary discussion, one of the members of the Parliament used the notebook to explain the problem with the DRM:



6. Work within the framework
7. Make the (apparent) opposition talk
8. Present your alternative
9. Start acting at a European Level

- a. *“For the purposes of this Directive, the expression “technological measures” means any technology, device or component that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works or other subject-matter, which are not authorised by the rightholder of any copyright or any right related to copyright as provided for by law or the sui generis right provided for in Chapter III of Directive 96/9/EC, **and which are not authorised by national or Union law.**”*

## & More

oh, BTW: it is not legal to apply DRM on public domain works


which was actually already the case, since only creators (not rightholders) can decide that their work can have DRM, the “small victory” we managed to get during InfoSoc’s transposition

but since we had to make it clear, we also pushed it: you also can’t put DRM on works released by public entities or with public money



# How we fixed DRM in Portugal (and so can you)

<https://fsfe.org/news/2019/news-20191113-01.en.html>



empowering users to control technology

[Login](#) [Change language](#)

[About](#) [Our Work](#) [Campaigns](#) [Contribute](#) [Press](#) [Donate](#)

[Press](#)

## How we fixed DRM in Portugal (and so can you)

on: 2019-11-13

Written by Paula Simões and Marcos Marado

**After 15 years of trying to solve the DRM problem, the Portuguese Association for Free Software [ANSOL](#) and the Association for Free Education [AEL](#) finally managed to get what they sought: a fix to the DRM situation in Portugal.**

Digital Restrictions Management (originally introduced by the entertainment industry as Digital Rights Management), are technologies that prevent, control, or restrict the use of hardware, software, or other creative works like books, films, music, etc.. They are also known as anti-copy technologies. In 1998 in USA and in 2001 in Europe, these technologies were given legal protection by the lawmakers. Copyright holders convinced the lawmakers that they needed DRM to be protected by the law in order to stop file-sharing without commercial purposes. This legal protection meant that breaking the DRM started to be illegal or a crime. In Portugal, for example, breaking the DRM had a penalty of up to one year in prison, until 2017. Even if you did something legal.

In Europe, we have a set of copyright exceptions to guarantee fundamental rights. These

Press

[Press Room](#)

[Latest News](#)

[Free Software Basics](#)

[Become a supporter](#)

About FSFE

Free Software Foundation Europe is a charity that empowers users to control technology.

Software is deeply involved in all aspects of our lives. It is important that this technology empowers rather than restricts us. Free Software gives everybody the rights to use, understand, adapt and share software. These rights help support other fundamental rights like freedom of speech, freedom of press and privacy.

[LEARN MORE ►](#)

Thank you! Questions?

[marcos.marado@ansol.org](mailto:marcos.marado@ansol.org)

[paulasimoes@gmail.com](mailto:paulasimoes@gmail.com)