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

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https://ansol.org

15 years...

The new DRM law in Portugal in detail

extending DRM's definition:

Article 217° [...] 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 n° 2 of the article 75°, in the article 81°, in the n°4 of the article 152° and in the n°1 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. 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

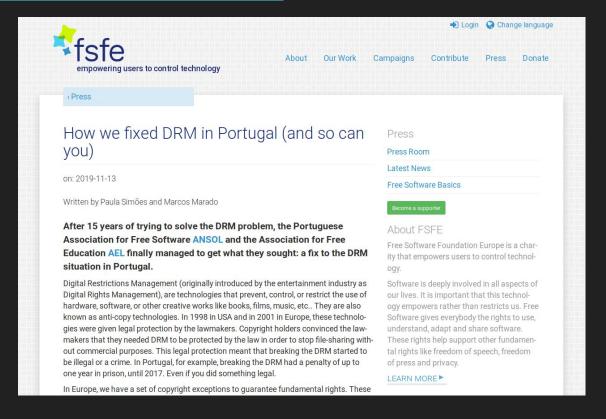
oh, BTW: it is not legal to apply DRM on public domain works

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

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



Thank you! Questions? marcos.marado@ansol.org paulasimoes@gmail.com