Digital Millennium Copyright Act, DMCA

- **Copyright law of United States**
  - ➤ **Passed in 1998, general industry support**
  - ➤ **Controversial on (at least) two fronts**

- **Rules against circumvention**
  - ➤ **Can't try to bypass DRM, CSS, …**

- **Safe Harbor provisions**
  - ➤ **Protect online service providers (blogs?)**

DMCA: Chilling Effects (according to?)

- **Anti-circumvention (1201) aspects of DMCA**
  - ➤ **Prevents legitimate back-up/archive**
  - ➤ **Fair use "under siege"**
  - ➤ **Inhibits free speech**

- **Impedes innovation, science, invention, …**
  - ➤ **Despite research exceptions**
  - ➤ **What happens on violation or threat of?**
  - ➤ **Review and comments every three years**

DMCA: Safe Harbor

- DMCA saved the web (2.0)
- **Safe harbor provision (512) is indispensable**
  - ➤ **No knowledge of offense!**
  - ➤ **Take down notices**
  - ➤ **Counter notice**
  - ➤ **Eligible for safe-harbor?**

- **If I post a video to YouTube that infringes…**
  - ➤ **Who gets in trouble?**

Happy Birthday (Oct 28, 1998) DMCA!

Blogs, search engines, e-commerce sites, video and social-networking portals are thriving today thanks in large part to the notice-and-takedown regime ushered in by the much-maligned copyright overhaul. A decade ago, when the DMCA was enacted, these innovations were unheard of, embryonic or not yet conceived. Now, Google has grown into one of the world's largest companies, and its video-sharing site YouTube has left an enduring mark on public discourse.

wired on DMCA ten years later

DMCA: Takedown notice?

- **Notice and take down for copyright infringement**
  - > Ivan Hoffman on the DMCA
  - > chillingeffects.org on DMCA
- **To submit a takedown notice, provide:**
  - > Complainant: name, address, e-signature
  - > Location of infringement, e.g., link
  - > Affirm: no legal basis for use of materials
  - > Affirm: act on behalf of copyright holder

DMCA and chilling effects

- **Dmitry Sklyarov, Elcomsoft, 2001**
  - > Arrested? Conference?
- **Ed Felten, SDMI, 2001**
  - > RIAA urges reconsideration
  - > Princeton Profs anti-circumvention song
  - > Alex Halderman, Sony rootkit
- **Ben Edelman and CIPA (children's internet protection act)**
  - > Research, tools, distribution, "just sue"

Jon Lech Johansen (DVD Jon)

- **DeCSS**
  - > How does DVD encryption work?
  - > What is GPL issue with original code?
  - > Brute force attack on 40-bit key beyond DeCSS
- **Apple, iTunes, Fairplay, DRM**
  - > Digital Rights Management
  - > iPhone
  - > Hacker Jon

DMCA in the News (Fall 2009)

- **Flickr changes takedown policy**
  - > Changes? Lobbyists?

- **Blogger changes policy**
  - > Allows for edit/reposting
  - > Change from "removal"

- **Veoh wins, YouTube next?**
  - > Liability for infringing use