

# Copyright And Digital Rights Management: Creator To Consumer In A Digital Age

Learning element 2.3

## Industry Responsibilities Under DRM:

*What copyright issues do businesses need  
to consider under a digital regime?*



*Bill Cope, Tom Davis and Mary Kalantzis*



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[www.C-2-CCourse.com](http://www.C-2-CCourse.com)

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## Framework map

### Copyright And Digital Rights Management

	<i>Empirical And Experiential</i>	<i>Conceptual And Critical</i>	<i>Applied And Transferred</i>
<p><b>Theme 1: Copyright &amp; Intellectual Property</b></p>	<p><b>1.1</b></p> <p><b>Existing Copyright Rules</b></p> <p><i>How has copyright traditionally been determined?</i></p>	<p><b>1.2</b></p> <p><b>Freedom v Protection</b></p> <p><i>What is the best way to encourage innovation?</i></p>	<p><b>1.3</b></p> <p><b>Copyright &amp; The Publishing Industry</b></p> <p><i>How does the publishing industry deal with copyright issues?</i></p>
<p><b>Theme 2: Digital Rights Management</b></p>	<p><b>2.1</b></p> <p><b>Digital Rights Management (DRM) Systems &amp; The Law</b></p> <p><i>How do DRM systems work and how has copyright law responded?</i></p>	<p><b>2.2</b></p> <p><b>DRM &amp; Freedom</b></p> <p><i>How has technology change altered the freedom v protection debate?</i></p>	<p><b>2.3</b></p> <p><b>Industry Responsibilities Under DRM</b></p> <p><i>What copyright issues do businesses need to consider under a digital regime?</i></p>
<p><b>Theme 3: Copyright Commons</b></p>	<p><b>3.1</b></p> <p><b>Software &amp; The Intellectual Commons</b></p> <p><i>What do we mean by the 'commons' and how have some software developers attempted to keep their work within it?</i></p>	<p><b>3.2</b></p> <p><b>Protecting The Commons</b></p> <p><i>What legal, commercial and political arguments have occurred over the copyright commons?</i></p>	<p><b>3.3</b></p> <p><b>Copyright Commons &amp; The Publishing Industry</b></p> <p><i>How can businesses survive in a copyright commons?</i></p>

## Aims

### Knowledge scope

**Industry Responsibilities Under Digital Rights Management** provides you with the opportunity to consider Digital Rights Management Systems (DRMS) and copyright from an industry perspective. It encourages you to develop a strategic appreciation of the forces impacting on the print and publishing industries and the management of rights in a digital environment. The type of issues to be considered here include: the relationships between creators and producers; the use of contracts; the market acceptance of DRMS, and the strategic (business) implications of that; the possible roles of industry players other than publishers and creators (e.g. governments, agents, distributors), and the form a cost-benefit analysis of DRMS might take. It is a problem-solving, applied learning approach as opposed to descriptive or critical analysis.

### Knowledge and capability aims

By the completion of this Learning Element you will have the capacity to:

- ⊗ begin applying the knowledge of DRMS and copyright issues you have gained to real world scenarios in the publishing industry;
- ⊗ better engage in work-related activities such as contract-formation, rights-management, and professional relationship-building under a DRMS regime;
- ⊗ better appreciate the commercial, market-driven realities of ascribing rights and responsibilities and also reassess any previous approaches to the issues of copyright and intellectual property you might have had; and
- ⊗ employ primary and secondary source material in forward planning responses to the intellectual property and rights management issues and structures you will (or already do) encounter in the publishing/print industry.

### Important terminology

The 'Learning Framework' is the overall educational endeavour of '*Copyright And Digital Rights Management*'. This is comprised of three 'themes', presented in the left-hand column of the Framework map. Each theme is divided into three learning 'processes', presented in the top row of the Framework map. Altogether this constitutes nine 'elements'. The Learning Framework is also referred to as the 'course'.

## Learning processes

The primary learning process in this element is to discuss with fellow students the questions set out below. In your discussion you are to make reference to the readings listed underneath the questions. You should also seek out other material, starting from the list of weblinks provided.

You will notice that the information included along with the reference indicates the perspective of the reading, whether it tends to be:

Business,  
Technology or  
Cultural studies oriented.

In your discussions and learning activities you should take account of the different perspectives represented by the readings and acknowledge those in your responses. You may wish to concentrate on one approach over another, such a technological change taking place in the industry.

### Learning activity: Online/Tutorial Issues

Engage in Online/Tutorial discussion in response to the following questions:

- 1) **What do recent changes in digital technology/DRMS do to the business relationship between writers and publishers?**
- 2) **What are some of the market realities that need to be taken into account in moving toward a DRMS regime?**
- 3) **What role do parties such as literary agents have in a digital/Internet-based industry?**
- 4) **What regulatory role do governments have under DRMS and which need also to be considered by industry players?**
- 5) **How could you make publishing under a DRMS regime more profitable than under “hard copy” copyright regimes?**

### Recommended reading:

Focus on the Ditrich and Australian government resources in the first instance. Also note that there are a large number of digital publishers you can locate on the web which may assist you in gaining an insight into the industry realities of copyright in a digital age.

## Sources

When viewing this online you can click on a learning source title to go to the reading. Each reading in the list is provided with a label titled ‘**Perspective**’. Use this as a guide in determining its relevance to the three categories: Business, Culture and Technology.

<b>Title:</b>	<a href="#">Part II: "Digital Contracts" from Australian Book Contracts: Print Contracts, Digital Contracts</a>
<b>Editor(s):</b>	Ditrich, Julie
<b>Year:</b>	2001
<b>City:</b>	Strawberry Hills, NSW
<b>Publisher:</b>	Keesing Press (for the Australian Society of Authors)
<b>Volume:</b>	Part II: Digital Contracts
<b>Perspective:</b>	Business
<b>Keywords:</b>	Digital Copyright, Contracts, Australian Law and Practice
<b>Abstract:</b>	An Australian Society of Authors publication that sets out how standard contracts are altering to take account of the increasingly digital nature of the publishing industry and how they now work to protect copyright and the respective stakes of creators and producers in a work.

<b>Title:</b>	<a href="#">Writer-Publisher Relationships</a>
<b>Author(s):</b>	Freeman, Robin
<b>Year:</b>	2001
<b>Book Title:</b>	Digital Rights Management and Content Development
<b>Editor:</b>	Cope, Bill; Freeman, Robin
<b>City:</b>	Altona
<b>Publisher:</b>	Common Ground Publishing
<b>Volume:</b>	C-2-C Project: Book 2.4, Chap. 7
<b>Perspective:</b>	Culture, Technology
<b>Keywords:</b>	Author, Writers, Publishers, Internet
<b>Abstract:</b>	Freeman examines the changing relationship between the writer and the publisher in the publishing industry in the light of digital technologies. These include the myriad of relationships that occur in the contractual and working domains.

<b>Title:</b>	<a href="#">Creative Relationships in the Publishing Supply Chain</a>
<b>Author(s):</b>	Freeman, Robin
<b>Year:</b>	2001
<b>Book Title:</b>	Digital Rights Management and Content Development
<b>Editor:</b>	Cope, Bill; Freeman, Robin
<b>City:</b>	Altona
<b>Publisher:</b>	Common Ground Publishing
<b>Volume:</b>	C-2-C Project: Book 2.4, Chap. 8
<b>Pages:</b>	125-144
<b>Perspective:</b>	Business, Technology
<b>Keywords:</b>	Content Development, Publishing, Intellectual Property
<b>Abstract:</b>	Freeman discusses the changing relationships in the publishing supply chain as an opportunity for writers. This means, she argues, changes in the tasks that writers, editors, typesetters and designers will undertake.

<b>Title:</b>	<a href="#">Ch 4, 'What is happening' in Copyright and Contract.</a>
<b>Author(s):</b>	Australia. Copyright Law Review Committee
<b>Year:</b>	2002
<b>City:</b>	Available on the Internet
<b>Publisher:</b>	
<b>Perspective:</b>	Technology, Law
<b>Keywords:</b>	Australian Copyright Rules and Legislation, Key Copyright Principles, Intellectual Property, Recent Reviews
<b>Abstract:</b>	This chapter comes from a recent report investigating changes in Australia's copyright regime resulting from the advent and rise of digital modes of communication, as well as digital text production. The source presented here sets out the current status of official responses to these changes.

**Web sources**

Australian Copyright Council. 2001. Creating websites & publishing on the internet (Information sheet G57)

<http://www.copyright.org.au/PDF/InfoSheets/G057.pdf>

Rosenblatt, B. 2002. Enterprise Content Integration with the Digital Object Identifier: A Business Case for Information Publishers (June 20, 2002). GiantSteps Media Technology Strategies.

[www.giantstepsmts.com](http://www.giantstepsmts.com)

Rich, Lloyd L. 2000. “Electronic Rights: Publishing Agreement – Grant of Rights & Royalty Clauses”. Publaw.

[www.publaw.org](http://www.publaw.org).

The Publishing Law Center (US)

[www.publaw.com](http://www.publaw.com)

Common Ground Publishing

[commongroundgroup.com/Publishing/](http://commongroundgroup.com/Publishing/)

## Assessment Task A option

You may wish to draw on the issues raised in this element, **Industry Responsibilities Under DRM**, for your Assessment Task A (worth 25% of your overall grade).

To complete Assessment Task A you must write a proposal (of approximately, but not exceeding, 1,500 words) for the larger work that will constitute Assessment Task B. In choosing the format of this proposal refer to the range of assessment formats provided in the Framework Level description of the course. If applicable, you can draw on experience from your own workplace to provide examples of how these issues impact on the education, communication and/or business sectors.

The aim of Task A is to:

- (i) help you begin to format the structure of Task B; and
- (ii) help you begin to build the content for Task B.

You also need to consider how you will later integrate the final work you produce for Task A into Task B.

**Note: You are required to do only one Assessment Task A throughout the course.**

Choosing issues from **Industry Responsibilities Under DRM** as the springboard for your Assessment Task A does not necessarily lock you into pursuing them for Task B. For example, on completion of this task, you may decide to pursue a different theme for Task B.

Even if you choose not to base your Assessment Task on the issues raised in this element, the knowledge and capabilities you have gained here can be fed into the topic you eventually use as the basis for your Assessment Task A.

**Note: Assessment Task A must be submitted by the end of week four.**

## Learning pathways

### Transition from Learning Element 2.3

Having completed the learning process of this element (with or without completing the Assessment Task A option), you must decide which element to undertake next.

Possible transitions from this element are presented below, however it is recommended that you work out your own pathway in consultation with your teacher.

### Pathway options

By the completion of this element, **Industry Responsibilities Under DRM**, you should have an improved capability to apply to real world situations your knowledge of the issues in this theme as analysed from the perspectives of Technology, Business and Culture.

You may now wish to engage with a new theme by undertaking an *Empirical And Experiential* learning element and pursue more practical issues regarding the relationship between the theme you have just completed and elements of other themes titled, such as **Software And The Intellectual Commons** or **Existing Copyright Rules**. If you wish to tackle an *Conceptual And Critical* element at this point, you need to bear in mind that it may pre-suppose you possess knowledge you may not have yet covered.

### Example pathways

	<i>Empirical And Experiential</i>	<i>Conceptual And Critical</i>	<i>Applied And Transferred</i>
<i>Theme 1: Print</i>	1.1 Existing Copyright Rules	1.2 Freedom V Protection	1.3 Copyright & The Publishing Industry
<i>Theme 2: Etext</i>	2.1 Digital Rights Management (DRM) Systems & The Law	2.2 DRM & Freedom	<b>2.3 Industry Responsibilities Under DRM</b>
<i>Theme 3: Convergence</i>	3.1 Software & The Intellectual Commons	3.2 Protecting The Commons	3.3 Copyright Commons & The Publishing Industry

## About this Learning Element

**Industry Responsibilities Under DRM** provides you with the opportunity to consider Digital Rights Management Systems (DRMS) and copyright from an industry perspective. It encourages a strategic appreciation of the forces impacting on the print and publishing industries and the management of rights in a digital environment. The type of issues to be considered here include: the relationships between creators and producers; the use of contracts; the market acceptance of DRMS, and the strategic (business) implications of that; the possible roles of industry players other than publishers and creators (e.g. governments, agents, distributors), and the form a cost-benefit analysis of DRMS might take. It is a problem-solving, applied learning approach as opposed to descriptive or critical analysis.

### Keywords

Australian Copyright Council  
Contracts  
Copyright  
Copyright Law Review Committee  
Creator  
Digital Contracts  
Digital Rights Management  
Electronic Rights  
Intellectual Property  
Internet Publishing  
Internet Service Providers  
Literary Agents  
Moral Rights  
Originality  
Ownership