

# ABOUT THE DIGITAL MILLENIUM COPYRIGHT ACT

## What is copyright?

Copyright, in the United States, is an attempt to maximize the intellectual resources available to all. People who create works - literature, art, software programs, music, and others - are given a limited right to keep people from making unauthorized copies of their work. This allows them to sell copies for a profit and provides a financial incentive to create more works.

In exchange for this, the public demands a number of concessions, primarily the following three:

1. Fair use is the right to make unauthorized copies of works for certain protected purposes - mainly for academics, reporting, or criticism. When a student quotes a book in a high school paper, she is making a fair use, and can't be stopped by the copyright owner.
2. First sale is the right to sell a copy over and over again, once it is made, as long as you don't make any new copies. When you read a book, then sell it to a used book store to be bought and read by someone else, you're exercising your rights under first sale.
3. Limited time - copyrights are granted for a limited time. After that time expires, the work goes into the public domain - it can be copied and used by anyone, for any reason.

Unfortunately, a new law, called the DMCA, threatens all of these important rights.

## What happened to Dmitry Sklyarov?

Dmitry Sklyarov is a Russian cryptographer. In order to expose the childishly simple encryption used on an e-book reader made by the Adobe Corporation (not much more difficult than pig latin), he wrote a program used to decrypt e-books encrypted with Adobe's program. A company he works for then sold it over the Internet. All this programming was done in Russia, where the DMCA does not apply.

Mr. Sklyarov then came to the U.S., to discuss his work at a convention in Las Vegas. Adobe, aware he would be coming to the U.S., ordered the FBI to arrest him. He is now being held in an undisclosed location, awaiting arraignment.

## What is the DMCA?

The DMCA is the Digital Millennium Copyright Act, passed by the U.S. Congress in 1998, supposedly to update copyright law for electronic commerce and electronic content providers. Unfortunately, this law is very poorly written, and is now regularly used by corporations to restrain the three primary concessions of copyright and otherwise prevent free speech activity.

The DMCA has one particularly bad section, called the anti-circumvention provision. That section makes it a crime to break encryption used to prevent someone from getting access to electronic content, or to "traffic" in a tool used to do so. This section is written so broadly, that, in theory, decoding the sentence E-thay mca-day eally-ray ucks-say from the Pig Latin could be a crime. It doesn't matter why, either. If it's not for financial gain, it might not be a crime, but you'll get sued for astronomical amounts of money. Suppose you're a professor who wants to publish a paper criticizing, with excerpts, an e-book. Under normal copyright law, you would be free to do so under the fair use doctrine. Under the DMCA, the corporation could prevent you from doing so by building technological access controls to prevent anyone from selling the book to you, and you would be barred by law from breaking those controls.

Needless to say, the DMCA also raises huge concerns about free speech.

## What's all this got to do with the UK?

UK IT professionals and security researchers often visit the USA to discuss their work. But work they do in the UK could fall foul of the "anti-circumvention" provisions of the DMCA, making them liable to arrest and imprisonment, and making it difficult or impossible for them to discuss their work in public forums. In this way the DMCA threatens to hold back security research not just in the United States, but worldwide. Dmitry must be freed and the DMCA revised before British computer professionals can travel to America without fear of arrest.