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Media Companies Go Too Far in Curbing Consumers' Activities

By WALTER S. MOSSBERG

In some quarters of the Internet, the three most hated letters of the alphabet are DRM. They stand for Digital Rights Management, a set of technologies for limiting how people can use the music and video files they've purchased from legal downloading services. DRM is even being used to limit what you can do with the music you buy on physical CDs, or the TV shows you record with a TiVo or other digital video recorder.

Once mainly known inside the media industries and among activists who follow copyright issues, DRM is gradually becoming familiar to average consumers, who are increasingly bumping up against its limitations.

DRM is computer code that can be embedded in music and video files to dictate how these files are used. The best-known example is the music Apple Computer sells at its iTunes Music Store. Using a DRM system it invented called FairPlay, Apple has rigged its songs, at the insistence of the record companies, so that they can be played only on a maximum of five computers, and so that you can burn only seven CDs containing the same playlist of purchased tracks. If Apple hadn't done this, the record labels wouldn't have allowed it to sell their music.

DRM systems are empty vessels -- they can enforce any rules copyright holders choose, or no rules at all. Apple's DRM rules are liberal enough that few consumers object to them. In fact, obtaining relatively liberal DRM rules from the labels was the key to Apple's success in selling music. But some other uses of DRM technology aren't so benign.
Some CD buyers are discovering to their dismay that new releases from certain record companies contain DRM code that makes it difficult to copy the songs to their computers, where millions prefer to keep their music. People who buy online music in Microsoft's Windows Media format too often run into the DRM error message "unable to obtain license" when trying to transfer the songs to a music player.

Some TiVo owners have reported seeing messages on their TV screens, apparently triggered by error, that warn that if the copyright holder so chooses, TiVo recordings can be made to expire automatically after a certain period.

For some activists, the very idea of Digital Rights Management is anathema. They believe that once a consumer legally buys a song or a video clip, the companies that sold them have no right to limit how the consumer uses them, any more than a car company should be able to limit what you can do with a car you've bought.

But DRM is seen as a lifesaver by the music, television and movie industries. The companies believe they need DRM technology to block the possibility that a song or video can be copied in large quantities and distributed over the Internet, thus robbing them of legitimate sales.

In my view, both sides have a point, but the real issue isn't DRM itself -- it's the manner in which DRM is used by copyright holders. Companies have a right to protect their property, and DRM is one means to do so. But treating all consumers as potential criminals by using DRM to overly limit their activities is just plain wrong.

Let's be clear: The theft of intellectual property on the Internet is a real problem. Millions of copies of songs, TV shows and movies are being distributed over the Internet by people who have no legal right to do so, robbing media companies and artists of rightful compensation for their work.

Even if you think the record labels and movie studios are stupid and greedy, as many do, that doesn't entitle you to steal their products. If your local supermarket were run by people you didn't like, and charged more than you thought was fair, you wouldn't be entitled to shoplift Cheerios from its shelves.

On the other hand, I believe that consumers should have broad leeway to use legally purchased music and video for personal, noncommercial purposes in any way they want -- as long as they don't engage in mass distribution. They should be able to copy it to as many personal digital devices as they own, convert it to any format those devices require,
and play it in whatever locations, at whatever times, they choose.

The beauty of digital media is the flexibility, and that flexibility shouldn't be destroyed for honest consumers just because the companies that sell them have a theft problem caused by a minority of people.

Instead of using DRM to stop some individual from copying a song to give to her brother, the industry should be focusing on ways to use DRM to stop the serious pirates -- people who upload massive quantities of music and videos to so-called file-sharing sites, or factories in China that churn out millions of pirate CDs and DVDs.

I believe Congress should rewrite the copyright laws to carve out a broad exemption for personal, noncommercial use by consumers, including sharing small numbers of copies among families.

Until then, I suggest that consumers avoid stealing music and videos, but also boycott products like copy-protected CDs that overly limit usage and treat everyone like a criminal. That would send the industry a message to use DRM more judiciously.

• Email me at mossberg@wsj.com