

The Digital Millennium Copyright Act

Title I: DRM Circumvention

The Purpose:

- Make it illegal to circumvent DRM protections on digital media, or distribute hardware designed to circumvent DRM
- Bring U.S. law in line with international copyright treaties

What is DRM and where is it Used?

What are some circumstances where
DRM should be circumvented?

Case Study: Volkswagen Emissions Scandal

- Who is involved?
 - EPA: Created and enforces the Clean Air Act that Volkswagen violated
 - Volkswagen: Car Manufacturer, includes digital control software in cars
- What's the case?
 - Volkswagen programmed many of their cars to run differently during emissions tests, causing the car to test much better than it would actually perform on the road.
 - Millions of these cars manufactured globally.

DRM in Integrated Computers

Benefits

- If users can access source code, they can create and distribute bypasses to safety and regulatory features

Risks

- Without open access to code, companies can bypass safety and regulation requirements

Potential Solutions

- Compromises can be made by adding exceptions to the DMCA
 - Proposed exceptions are evaluated every 3 years

<https://www.wired.com/2015/09/volkswagen-open-iot/>

<https://www.eff.org/deeplinks/2015/09/researchers-could-have-uncovered-volkswagens-emissions-cheat-if-not-hindered-dmca>

Title II: Service Provider Liability

The Purpose:

- Protect service providers from legal action when their users commit copyright infringement
- Ensure that copyright holders have a standard method of getting copyrighted material removed

Case Study: Viacom v Youtube

- Who is involved?
 - Viacom: Multimedia Corporation: Owns MTV, Comedy Central, and other networks
 - Youtube, and it's parent Google
- What's the case?
 - Viacom sued for damages, claiming Youtube participated in copyright infringement

The Cases

Viacom

- YouTube having knowledge of users uploading infringing material and doing nothing to stop it makes them complicit.
- YouTube did not attempt to stop copyright material from coming in because it was beneficial to their business.
- Viacom produced e-mails between YouTube co-founders suggesting they were fine with copyright infringing material being on the site as long as it was increasing traffic

YouTube

- Viacom was demanding YouTube police all uploads, something that goes against the spirit of the DMCA.
- YouTube responded promptly to every takedown notice Viacom provided.
- YouTube produced evidence that many of Viacom's copyrighted broadcasts were uploaded by Viacom employees and contractors

The Verdict, and Compromises

- Courts ultimately ruled in favor of YouTube
 - Viacom made a number of different appeals, then the two parties eventually settled out of court
- Nowadays, YouTube does have a more active role in stopping copyright infringement
 - Content ID match can detect copyrighted sounds and music in video as it's uploaded, and flag the video.
 - YouTube has partnerships with a number of copyright holders; takedown notices won't be filed as long as the rights holders get the advertising revenue.

Case Study: Voltage Pictures Copyright Lawsuits

- Who is involved?
 - Voltage Pictures: Producer behind films such as 'The Hurt Locker' and 'Dallas Buyers Club'
 - US Copyright Group: Law Firm that specializes in cases of copyright infringement
 - ISPs: Verizon, Time Warner, Comcast, etc.
 - Many internet users whose IP addresses were linked to illegal movie downloads
- What's the case?
 - Voltage Pictures sought compensation for lost revenue caused by the copyright infringement

Actions and Intentions

USCG

- Usually offers \$1000 or more settlements to be dropped from the suit
- All of the accused were put into one case
- Accused of 'Copyright Trolling'

ISPs

- Agreed to provide details of infringing IP addresses at a certain rate
- Verizon received a subpoena for 5000 names, agreed to process 100 per month

Defense

- IP address was not enough to prove guilt in copyright infringement
- USCG was grouping too many defendants into a single case
- Plaintiffs were seeking to profiteer rather than protect their intellectual property

Verdict

- Eventually, USCG dropped all charges, but many people had already paid the settlement fee.