



EBLIDA position on Digital Rights Management Systems

February 2003

Introduction

1. EBLIDA, the European Bureau of Library, Information and Documentation Associations, is an independent, non-profit umbrella organisation of national library, information, documentation and archive associations in Europe. Subjects on which EBLIDA concentrates are European information society issues, including copyright & licensing, culture & education and EU enlargement. We promote access to information in the digital age and the role of archives and libraries in achieving this goal. We represent the interests of our members to the European institutions, such as the European Commission, European Parliament and the Council of Europe.

2. EBLIDA, together with our international colleagues in IFLA, lobbied on behalf of libraries during the negotiation process for the WIPO treaties in 1996. EBLIDA has lobbied for libraries at European level on the *Directive on rental and lending rights* (1992), *Directive on harmonising the term of copyright protection* (1993), *Directive on the legal protection of databases* (1996) and the *Directive on harmonisation of copyright in the Information Society* (2001) and continues to be involved in related European initiatives e.g. digital rights management systems, collecting societies, public sector information.

Copyright and libraries

3. Libraries are increasingly being called upon to provide access to information for citizens in the information society; for e-learning and lifelong learning, to combat social exclusion, to encourage new forms of civic government, to support business and the economy, to help bridge the digital divide. The success of the information society depends on the content being accessible to the public.

4. Copyright law impacts on most of what libraries do. It affects the services that libraries can provide to their users, and the conditions governing the access they provide to copyright materials.

Libraries and Digital Rights Management Systems

A Digital Rights Management Systems is a means of delivering content. However, DRMS are frequently seen only as a Technical Protection Measure i.e. a technical means of enabling rightholders to deliver digital content in a controlled way, preventing users from having access to the content unless they meet the requirements of the rightholder, be it financial or otherwise, and preventing users from using the accessed content in ways other than the rightholder has given permission for.

5. Libraries are already involved in the clearance and management of rights. A properly managed introduction of Digital Rights Management Systems, in its widest sense, could assist libraries in managing their services. However, a restrictive definition of a Digital Rights Management System, which focuses on protection rather than management, may hinder libraries in managing access to their services.



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6. It seems as if the legislation is being driven by the technology and its limitations. Instead, the development of Digital Rights Management Systems should be driven by the principles behind the legislation, especially with regard to the ability to benefit from exceptions.

7. We are pleased that Directive 2001/29 (the EU copyright Directive) contains exceptions, which we hope will be implemented by EU Member States. Digital Rights Management Systems must respect these exceptions, the application of which are limited by Article 5.5 of the Directive.

8. We firmly believe that technical protection measures must not interfere with the legitimate use of content and should be sufficiently flexible to enable use of lawful exceptions.

9. For a library, a Digital Rights Management System should enable efficient management and rights **clearance** and should include the following elements:

- Digital rights management;
- Management of digital rights;
- Digital management of rights;
- Contract management;
- Access management;
- Management of the clearance process.



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Key issues

Exceptions must be respected

Digital Rights Management Systems should meet user expectations e.g. accommodate exceptions in different Member States. The technology can accommodate exceptions, but rightholders must ensure that exceptions are respected in the business models which are developed.

Interoperability

Digital Rights Management Systems must be interoperable with respect to access to content from different devices and must enable distributor and consumer choice with respect to access to content.

Standards

EBLIDA supports standards that enable easy management across multiple content providers.

Security and data protection

Security levels should be appropriate for the content. Technical developments must not be driven only by the mass entertainment industry, which may have different requirements to the scientific and academic communities.

Data protection and privacy legislation must be respected both for individuals and for research groups.

Circumvention

Circumvention of technical measures in special cases must be possible e.g. for legal or voluntary deposit, archiving, in order to safeguard the availability of material for future generations.

Clear labelling and guidance

Products protected by Digital Rights Management Systems should carry clear information on the effects of the DRM for the user e.g. restrictions of functionality, usage, etc. In this context, it is important that users are informed of their rights, i.e. national copyright exceptions.

Digital Rights Management Systems must be user friendly

Digital content must be easy to access and use. User friendliness is crucial for DRM protected material to be accepted by users.

Dispute resolution

Although safeguards are provided in Article 6.4.1 of the Directive, it is important that special arbitration bodies to settle disputes are established. These bodies must be efficient and inexpensive.

The Hague, February 2003