

Dear Sirs,

The release today of the Digital Britain interim report raised my attention. Following up on the invitation to join the discussion, I hereby express my interest in doing so.

As a researcher in the DRM area for over a decade, I am expressing my interest as a concerned citizen of the Internet and a scientist in this field.

In this capacity I would be glad to be involved in your initiative and to contribute to the discussion if you think this can contribute even modestly to answering the question of what information society we want to live in and leave behind us for future generations.

Unfortunately, this area has been the subject of raging debates opposing two diametrically opposed sides. Namely, proponents of total locked down security VS advocates of the "free culture" basically arguing everything should be open and free. Recent legal initiatives such as in France with the "three strikes and your out" laws are making their way into society basically forcing ISPs to spy on Internet traffic in order to blacklist users from the Internet on the third offense. See a blog post here :

<http://liftlab.com/think/morin/2008/11/07/the-three-strikes-and-youre-out-law-wrong-assumptions-lead-to-bad-solutions-and-generate-obnoxious-laws/>

More recently, Apple engaged in removing DRM from its iTunes catalog with iTunes Plus, but this is not totally innocent and PII info still remains within the unprotected file. On a similar note, the recent release of the new Apple MacBook Pro revealed a change with its new Display port incorporating HDCP protection requiring external display devices to also be HDCP compliant in order to render "premium content" on them. The problem here is that most users having legitimately acquired such content and who want to play them on say an Apple Cinema Display will be denied this possibility because the external display is a "legacy" model not HDCP compliant. This is insane and in many situations will force the legit consumer to resort to pirating the same content he already bought in order to benefit from his right to play the content onto his big screen.

Our society needs to take a step back and rethink DRM thoroughly and in a more creative way. User experience is key in the media and entertainment industry. Interoperability problem represent a major problem. Media Majors and their associations (RIAA, MPAA, etc.) are reluctant to consider alternative models.

Today, DRM doesn't curb those that it should. It's a burden on the side of the often legit consumer prevented from enjoying age old acquired rights such as fair use rights, home copy rights, etc.

Building on Ed. Feltens' Copyright Balance Principle ["DRM and Public Policy", in Communications of the ACM, V. 48, No. 7, July 2005, p. 112], I have worked in my research on a model and a framework allowing to accommodate such requirements as fair use based on managing Exceptions in DRM environments. The model relies on reversing the assumption of "distrust" of users, allowing them to claim an exception license (short lived for example) provided they are willing to reveal a credential that may be used for further abuse detection by the rights holders. Such a model offers a rather elegant alternative to the current DRM lock down / restriction situation while still maintaining a much needed level of "persistent protection" and governed usage of content.

Finally, this same model appears to have very interesting properties in the Enterprise DRM sector too. Recent figures are increasingly showing employees circumvent security policies on a daily basis to do their jobs. There is a great potential for alternative

approaches in the area of DRM and Managed Content.

In order to stress the paradigm shift and its required mindset change, I have captured these issues under the term of "Green Security".

So, is there room for Green DRM ? Can DRM become an enabler for a positive sum game for all interested actors in the ecosystem ? What's the future of DRM and what are the societal implications of recent legislative activities in this context ? These are all issues I think we need to think about in new ways including technologists, scientists in addition to the usual stakeholders. We can no longer afford to be taken hostage of one side or an other of the industry. It is our duty to raise these questions in the perspective of a Sustainable Information Society for the generations to come. This is a unique opportunity to rethink a few things in this fascinating area. Personally, if I can contribute in my area of expertise in DRM I'd be glad to do so.

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