

Commentary for the FTC Town Hall to Address Digital Rights Management Technologies

Digital Rights Management (DRM) has largely been ineffective at its primary purpose: to prevent the illegal dissemination of copyrighted materials. End-users of these materials find their rights diminished, and usefulness of the materials shrinking as technology changes, however, large-scale criminal activities (i.e. "piracy") has not been hindered in any way by these initiatives.

DRM has a more insidious effect on consumer electronics, however. High-Definition Content Protection (HDCP) is a DRM scheme that is intended to disallow copying of high-definition content as it travels from the source (a blue-ray player, for instance) to a display device. HDCP is a required element of the HDMI interconnection standard, and it is laden with bugs and problems that often manifest themselves as "no picture" whenever any device on the HDMI bus changes state.

To date, no secure DRM scheme has been created. Every single DRM scheme has failed, generally because of specification or software programming bugs. The CSS system, widely used on DVD discs, has been broken since 1999 -- less than three years after its adoption. The AACS system, used to protect Blu-Ray and HD-DVD content, has already been widely compromised. The Blu-Ray "BD+" has also been compromised.

DRM has not prevented widespread piracy due to counterfeiting. Bit-for-bit copies of DVDs, Blu-Ray discs, software CDs, etc. all include the original DRM!

DRM has caused irrevocable harm to the consumer, with very little gain for the content producers. For instance, my Toshiba HD television may not be able to display all content from a Blu-Ray player in the native "1080" hi-definition format, as it only supports analog video connections. My "modern" television cannot display "modern" content. HDMI/HDCP implementations in consumer electronics, for instance "home theater receivers", cause the screen to black out or freeze whenever another HDMI-connected device changes state, for instance if the cable converter box is powered off while a Blu-Ray movie is being played.

I am a content producer (software) by trade, and I favor copyright and the protections it affords. But I am opposed to all forms of DRM, as it continues to prove expensive for the consumer and ineffective for the content producers.

Thank you for your consideration of my comment.

Jeffrey Otterson