Copyright law implications of voluntary standards activities, including the impact of Digital Rights Management technologies, a review of when standards become “the law,” such as the Veeck Case and its aftermath, and finally, licensing practices of SDOs.
Panel IV: Copyright Issues

Moderator: Dan Bart, TIA
ANSI Board Member, Past Chair ANSI Patent Group, Chair of ANSI ExCO
Copyright Ad Hoc, and Chair of OMF DRM Ad Hoc

- Amy Marasco,
  Senior Attorney, Microsoft Corporation
  - Copyright in Standards: Yours, Mine and Ours

- Maureen Brodoff,
  General Counsel, National Fire Protection Association
  - Veeck Update

- William Scarborough,
  General Counsel, Project Management Institute, Inc.
  - SDO Licensing
The ExCo Copyright AHG will delineate and review issues relating to the assertion of copyright in standards. The AHG will then seek to develop strategic recommendations:

- (a) to assist standards bodies and participants in arriving at a common understanding of these issues and addressing them in a constructive manner,
- (b) to formulate ANSI's actions and policy positions vis-à-vis the government, and
- (c) to provide guidance to the relevant ANSI governance bodies.
The new IPRPC is broader than the combined mission of the existing Patent Group and Copyright Ad Hoc Group, expanding the focus of these two groups in a number of important ways.

One key area on which the new policy committee will focus is the IPR-related aspects of international trade and public policy.

The new policy committee will *not* impact the important work that has been done and will continue to be done by the Patent Group (*i.e.*, addressing issues relating to intellectual property rights embedded in standards) and, more recently, by the Copyright Ad Hoc Group (*i.e.*, addressing issues relating to the assertion of copyrights in standards).

The new IPRPC is intended to complement and strengthen the role of these groups, not replace them.
Protecting Intellectual Property
- ANSI Response

- ANSI Organizational Member Forum (OMF) created a Digital Rights Management (DRM) Ad Hoc
  - DRM Ad Hoc supported by Bob²
    - One subgroup on Maximum Permission Parameters
    - One subgroup on Common Definitions and FAQs
    - A small Ad Hoc on technical issues resolution
    - Focus has been individual SDO DRM experiences
    - Three technologies currently being used for DRM in ANSI-Land
Protecting IP: Objectives

- **Keep the honest people honest**
  - You do not want to hinder the customer from legitimate product usage
  - Be able to protect documents in Electronic and hardcopy form (DRM and Dynamic Stamping)

- **Implement a way to track usage, activity and licenses.**
  - Tracking usage through product activity logs
  - Tracking usage through DRM credentials
  - Track documents that have been distributed through hardcopy (i.e., photocopies)

- **Protecting the Customer’s investment in the Products**
  - Informing the customer about potential security breaches resulting in the misuse of their accounts
  - Enforcing compliance through Digital Rights Management
Protecting IP: Challenges

- **Volume of Information**
  - Variety of sources for usage analysis
  - Integrating licensing information

- **Catering for the customers weird and wonderful environment**
  - Desktop control software
  - Firewalls
  - Versions of core software (Browsers, Operating System, Adobe Acrobat Reader)

- **Location - proposed Day Light Savings Time changes**:
  - Time changes would not be reflected in Canada for 2 months of the year
  - Any discounts offered by time zone would have to cater for this time difference by exact location (time zone AND country)

- **Management**
  - To be able to analyze data and produce reports quickly
  - Encrypt/Watermark documents in Real-Time
  - Audit information to assist Customer Service
DRM: Requirements

- Protecting Electronic Documents
- Protecting Media
- Protecting Hardcopy
Factors that affect DRM: Library Model

- Library Model

  - Allowing a license for document to be moved to a different machine

  - May violate the Digital Millennium Copyright Act if the document is not deleted from the source machine.

  - If not strictly controlled, can negatively affect revenue
IHS Retail DRM Permissions

- One SDO’s requirement for document locking may be different from another judged on the customer base.

- Let the SDOs dictate DRM permissions for their collection of documents – How do we deal with co-copyrighted documents?

- Use the current DRM requirements established through the Ad Hoc DRM meetings as a starting point.
Subscription DRM Permissions

- Need consistent DRM permissions across SDOs. A customer that has access to content that spans multiple SDOs, should not have to contend with differing permissions.

- Files should be downloaded only by authorized users. When downloaded, files should not be movable from one computer to another.

- If the license expires and the customer does not renew, any previously downloaded file should be automatically rendered unusable and unviewable.

- Contracts with customers should reflect additional charges based on DRM audit information. Resellers need to have a legal stance for compliance based on DRM audit information.