From A to Veeck:
Standardization and the Law

2005 ANSI Annual Conference

ANSI
American National Standards Institute

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From A to Veeck: Standardization and the Law

Panel IV: Copyright Issues

Moderated by: Dan Bart, TIA

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**

Protecting Intellectual Property - ANSI Response - ExCo Copyright Ad Hoc

- **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

ANSI IPR Policy Committee to be created in 2005 Section 6.05 of the new By-Laws

- **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 Bob^2
    - 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

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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**