



only “copy and erase.” And therein lies the fundamental dilemma for copyright in the digital age: bits are not atoms.

DRM technology represents an attempt to treat bits like atoms. “Watermarks” allow two otherwise identical collections of bits to be viewed as different objects. Biometric-based encryption can restrict access to only the current “holder” of the bits. Elaborate check-in/check-out schemes constrain a particular set of bits to “exist” in only one place at a time. Rather than rethinking their approach to copyright and developing new business models appropriate to the digital world, proponents of DRM technology are devoting their ingenuity and energy to trying to make bits behave like atoms in order to preserve the old ways.

To the general public, the impact of DRM goes beyond these metaphysical musings. DRM is what prevents people from using their PC to listen to music downloaded to their iPod and vice-versa. DRM is what prevents them from skipping over the advertisements and previews at the start of the DVD they’ve

rented. DRM is what prevents them from viewing the video they purchased in Europe last summer on their player back home in America. For tens of thousands of people, DRM is synonymous with “rootkit,” the flawed software that was included on 20 million Sony BMG CDs in order to prevent copying but that instead corrupted the computers on which the disks were loaded.

The very idea of DRM is under attack from many quarters, including activist organizations such as the Electronic Frontier Foundation and trade groups such as the Consumer Electronics Association. Earlier this year, Apple’s Steve Jobs issued a widely circulated letter urging music publishers to abandon DRM, and in April, EMI—one of the four surviving major record labels—agreed. Even Walt Disney Chairman Bob Iger has said, “The best way to combat piracy is to bring content to market on a well-timed, well-priced basis.”

Appearing at a copyright conference at McGill University in March 2007, Bruce Lehman recognized the enormous

changes brought about by digital technology when he observed: “I think we’re entering a post-copyright era.” Extreme? Perhaps. But Lehman was assistant secretary of commerce in the Clinton administration and the person generally credited with authorship of the Digital Millennium Copyright Act (DMCA). When *he* says copyright is a thing of the past, ears prick up.

If Bruce Lehman, Steve Jobs, Bob Iger, and many, many others are right, someday we’ll tell the tale of the “09 F9” insurrection with the same sage eye-twinkle that will accompany the story of how we once distributed music on pieces of plastic that were themselves packaged in additional layers of plastic, all wrapped up in still more plastic that was impossible to open. Those were the days!

Oh, one more thing: remember that string of characters at the start of this article? And the FBI? And the lobotomy? Don’t worry. I lied. That’s not the real key.

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**Steve Worona is Director of Policy and Networking Programs at EDUCAUSE.**