Lessons Learned

In the words of Bruce Schneier, "[DRM] is an impossible task"[1] and "trying to make digital files uncopiable is like trying to make water not wet."[2] Since the advent of the internet and digital file sharing, many lessons have been learned, and various media industries, not just publishing, have witnessed the adverse effects of DRM. These have been the key takeaways for publishers and libraries:

- There is no DRM scheme that cannot be hacked. According to available literature on the subject, DRM can always be hacked.[3]
- More DRM can lead to fewer (not more) readers. This is particularly true for self-published authors or those trying to break into publishing, whose primary goal is to expose their work to as many as readers as possible before they can afford the luxury making a living as a published author and being in a position to enforce strict DRM measures (as has been the case with J. K. Rowling, as discussed in chapters 1 and 3).
- There is no DRM technology that can eliminate piracy. Those who choose to break the law by engaging in illegal downloading will do so even if the content is free already.[4] Piracy is more rampant two decades into the twenty-first century than ever before.
- The current generation of digital media consumers has always had access to free content and does not want to pay for it. "Retailers are trying to sell content to a consumer base that is not in the habit of paying for digital media and does not necessarily equate digital piracy with theft."[5] New generations of readers are more likely to view DRM as an obstacle that will move them away from the desire to consume content in the first place. (The *Library Journal* survey mentioned in chapter 4 confirmed this for college students in the United States.[6])
- The most sensible way to move forward with DRM for publishers, authors, and libraries is to strike a balance with security, utility, and accessibility.[7] Indeed, piracy can become less attractive "not through restrictive DRM, but through features and benefits that cannot be found on P2P [peer-to-peer] sites."[8]

It remains to be seen what the future holds for digital content and DRM. More investigation is needed into the impact of DRM-free books, as well as those with light DRM. Likewise, more investigation is needed into the impact of e-books available through libraries. A simple Google Scholar search for "digital rights management and e-books" and "piracy and e-books" yields very few articles, and those that pop up were published in the first decade of the twenty-first century, not the second. Those articles that are available rarely, if at all, discuss piracy in the context of libraries. (The references in this paper reflects that as well.) As of fall 2019, the author of this paper was not able to locate a single study tracking the effect of free e-books available through libraries on the sales of those books in local or online bookstores. Without such knowledge, claims made by publishers like Macmillan about cannibalization of sales remain unjustified.

Perhaps the most logical way to proceed is to take clues from the lessons learned thus far, and those lessons point to the desirability of less DRM and more flexibility for users. They also point to libraries as being uniquely positioned to tackle the problem of digital piracy by competing with pirate sites. Library platforms give users what pirate sites do not: online safety, no advertising that distracts from reading and research, no vulnerability to virus attacks, and a higher quality of digital files. That said, the book industry cannot overlook the obvious problem of free content. "Free content is a popular solution to the DRM problem. Yet free information removes the monetary incentive for creating content, relying entirely on enhanced reputation for the creator's reward."[9] Indeed, in order to continue creating and publishing

high-quality content, authors and publishers will need assurance moving forward that they will be able to receive just compensation.

Which leads the conclusion: there is no one-size-fits-all solution to the conundrum that is DRM and digital piracy, but there are many sensible solutions that together give the book and library industry more clarity as to what works and what doesn't. We can all agree that too much of anything backfires, even when it comes to protecting copyrighted materials.

Additional Resources

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Notes

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2. Bruce Schneier, "Quickest Patch *Ever,*" *Wired*, September 7, 2006, https://www.schneier.com/essays/archives/2006/09/quickest_patch_ever.html.
3. See, for example, Ed Felten, "Why Unbreakable Codes Don't Make Unbreakable DRM," *Freedom to Tinker* (blog), December 3, 2002, https://freedom-to-tinker.com/2002/12/03/why-unbreakable-codes-dont-make-unbreakable-drm.
4. Priti Trivedi, "Writing the Wrong: What the E-book Industry Can Learn from Digital Music's Mistakes With DRM," *Journal of Law and Policy* 18, no. 2 (2010), article 10, https://brooklynworks.brooklaw.edu/jlp/vol18/iss2/10.
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6. Mirela Roncevic, "The Long and Winding Road to DRM-Free E-books in Academic Libraries," in *No Shelf Required 3: New Era for E-books and Digital Content*, ed. Mirela Roncevic and Peyton Stafford (Chicago: ALA Editions, forthcoming).
7. Kurt Schiller, "A Happy Medium: Ebooks, Licensing, and DRM," *Information Today* 27, no. 2 (February 2010), www.infotoday.com/it/feb10/Schiller.shtml.
8. Trivedi, "Writing the Wrong," 965.
9. L. Jean Camp, "First Principles of Copyright for DRM Design," *Internet Computing, IEEE* 7, no. 3 (May–June 2003): 64, https://doi.org/10.1109/MIC.2003.1200302.