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The Rights of Readers and the Threat of the Kindle

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Graduate Center, CUNY

Matthew Goins

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The Rights of Readers and the Threat of the Kindle

Matthew Goins

Independent Technologist

Alycia Sellie

Brooklyn College Library

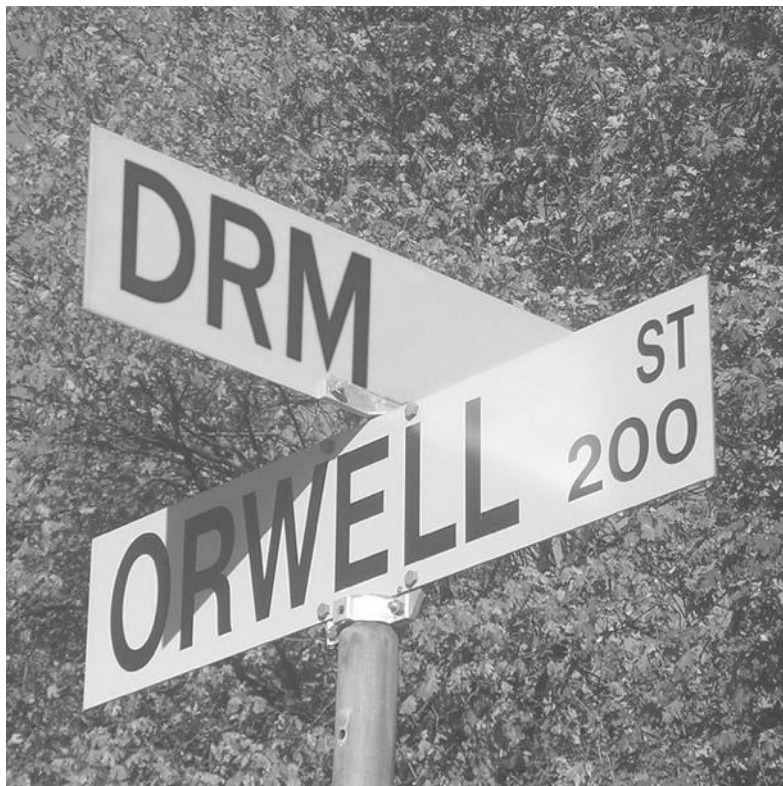
Metro
Webinar
July 27,
2011

UNIVERSAL-INTERNATIONAL NEWS

NEWS IN BRIEF

VOICE: ED HERLNY

The Kindle “Swindle”



HarperCollins and 26 checkouts



Are we still boycotting HarperCollins?

Yes

As of **Monday, March 28, 2011**, HarperCollins is **still** limiting the number of times an ebook can be borrowed from your library, so the boycott is **on**.

[Explanation](#) | [Sample letter to HarperCollins](#) | [Contact](#)

<http://boycottharpercollins.com>

The root of the problem: Digital Restrictions Management (DRM)



We're not smelling the books.

Important attributes of ebooks that we're not focusing on in this talk:

- Preferences between ink on paper vs. reading from a screen
- Aesthetic issues
- Page numbers
- “Lending” or short-term sharing between personal collections (via DRM)

A woman with dark, curly hair is standing in a library aisle, reading a large, dark book. She is wearing a light-colored cardigan over a dark top and dark trousers. The book is held up to her face, partially obscuring it. The background shows bookshelves filled with books on either side of the aisle.

ONGOING PERFORMANCE BY RACHEL MORRISON: SMELLING THE BOOKS

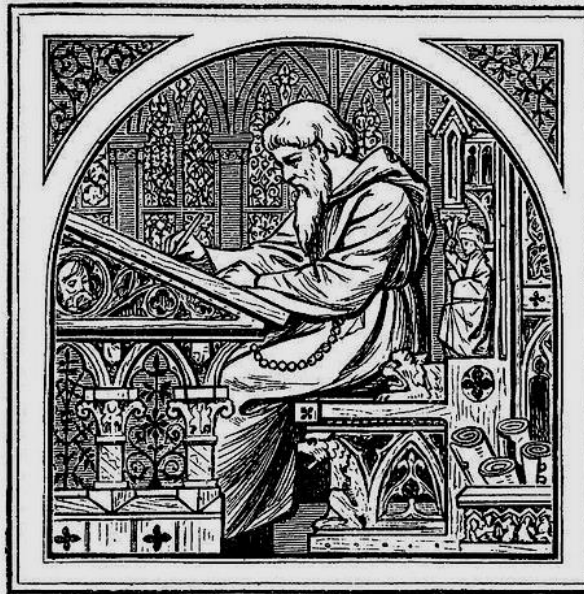
We're interested in rights, not features

In this project, we're focusing on:

- Readers as people, more so than readers as hardware
- Examining how our rights are preserved—or lost—as books go digital
- Shaping, for the better, the future of ebooks (in libraries—and overall)



Technological changes
are abundant in the
history of the book



What is an ebook?

An ebook is a digital file, or a collection of digital files.

- Open Formats: ePub, HTML, Plain Text, PostScript
- Proprietary Formats: Mobi, AZW, etc.

Ebook reading devices (are computers)



What is DRM?

“DRM technologies add code to digital content that disables the simple ability to copy or distribute that content—at least without the technical permission of the DRM technology itself.”

—Lawrence Lessig, *Code 2.0*

“In essence, DRM treats the information user as attacker on her own computer, blocking uses of information undesired by the provider, regardless of whether the information object is legally owned and whether the use in question is otherwise legally permissible.”

—Jason Puckett

“Digital Rights Management as Information Access Barrier”

“DRM” = Digital Rights/Restrictions Management

DRM controls access to digital content and restricts the functionality of devices.

DRM restricts content,
through secrets that are
kept from the end user



DRM restricts content,
through secrets that are
kept from the end user

Software that implements DRM uses two forms of secrecy:

1. The encryption key--which allows the decrypting, or accessing/opening of encrypted files--is a secret



DRM restricts content,
through secrets that are
kept from the end user

Software that implements DRM uses two forms of secrecy:

1. The encryption key--which allows the decrypting, or accessing/opening of encrypted files--is a secret
2. The proprietary code that the hardware executes--what the computer does to decrypt the files and allow you to read an ebook--is a secret

SOFTWARE

Jailed Devices

A large, heavy-duty metal safe with its door open, revealing internal mechanical components and wiring. The safe is made of thick, dark metal with numerous bolts and rivets. The interior is filled with various electronic and mechanical parts, including what appears to be a circuit board and several cylindrical components. The safe is set against a wall, and the lighting is somewhat dim, highlighting the industrial and secure nature of the device.

Devices like the iPad and the Kindle are “jailed,” meaning through the restriction of both hardware and software, the end user does not have full control of their machines.

This jailing protects the DRM system from having its secrets discovered by the user.

Digital Millennium Copyright Act (DMCA)

- Every DRM scheme ever made has been broken
- Because of the likelihood that a DRM scheme can be circumvented, DRM relies on the protection of the Digital Millennium Copyright Act (DMCA)
- The DMCA made it illegal to break, circumvent or reverse engineer DRM
- Therefore, even the weakest DRM is protected by law
- Violations of the DMCA and could result in prosecution for what, under pre-DMCA copyright law, would have been considered fair use

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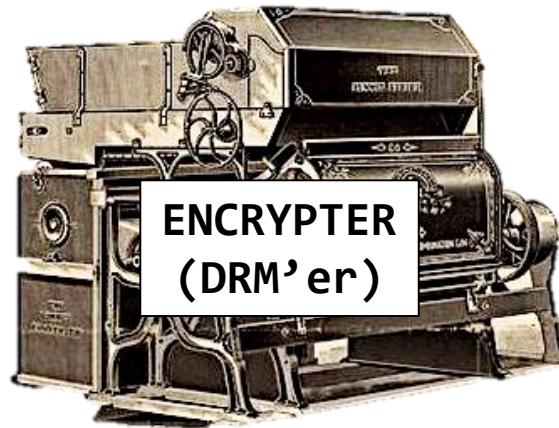
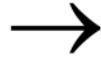
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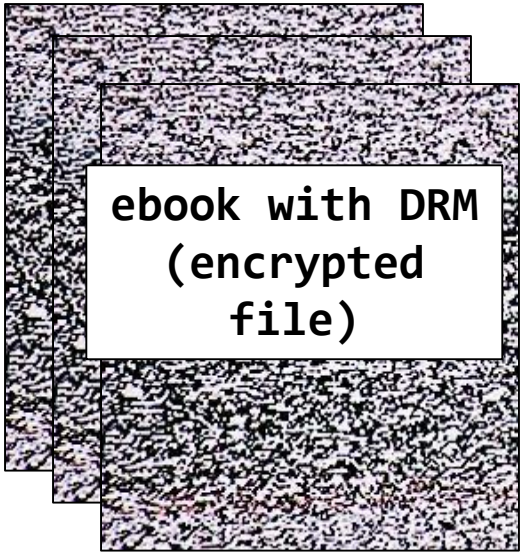
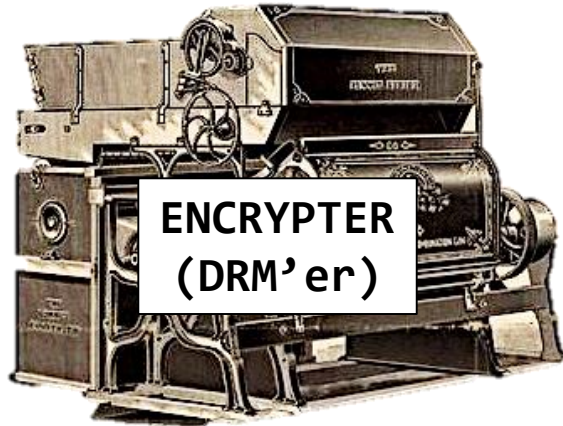
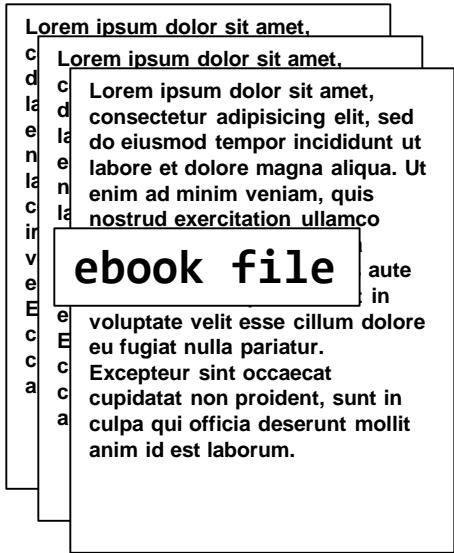
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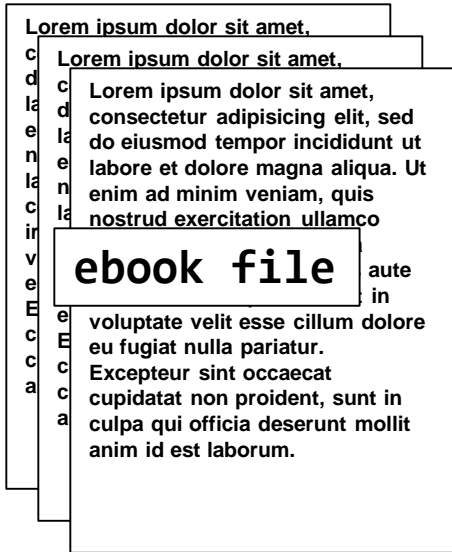
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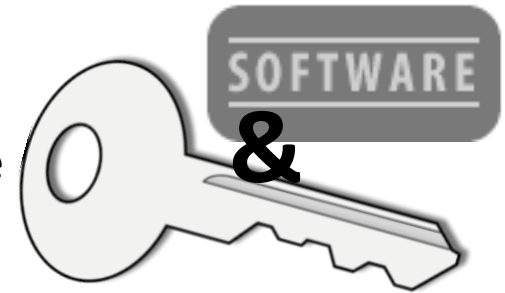
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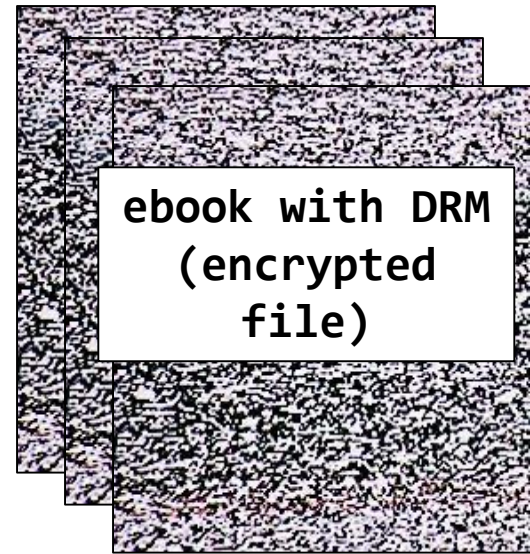
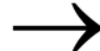
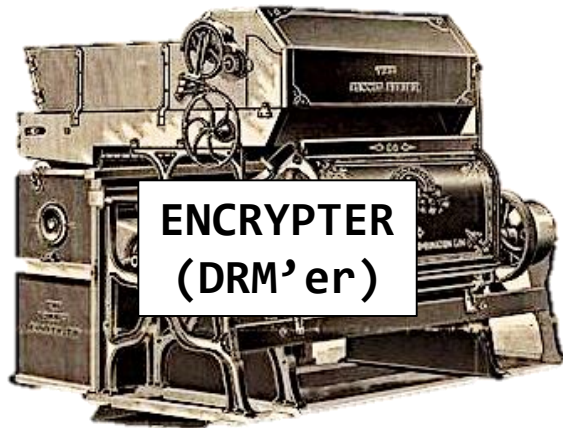
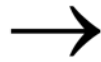
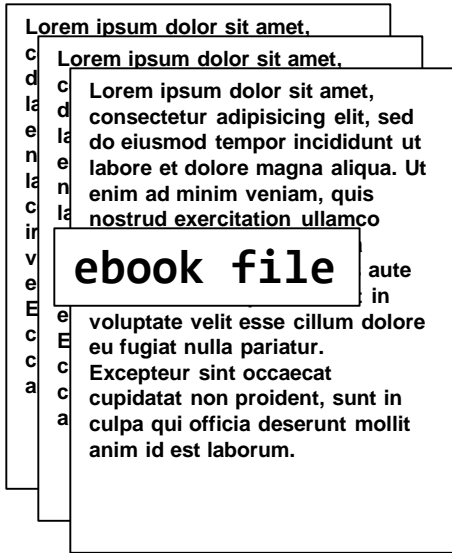




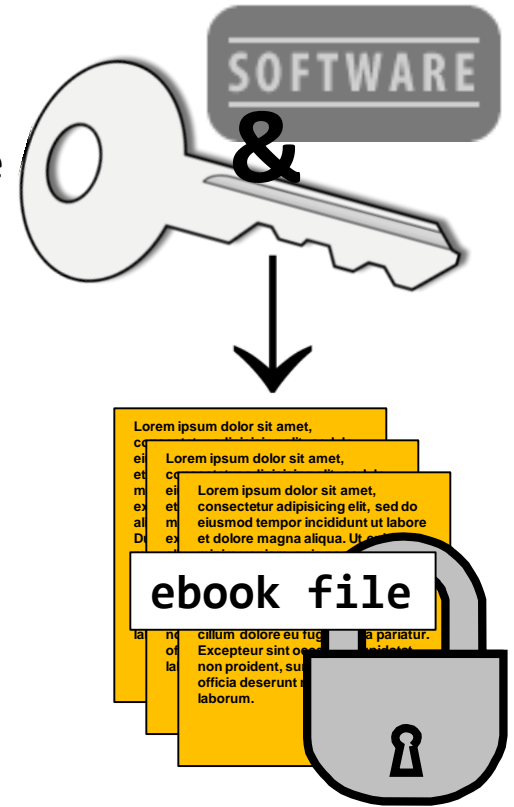


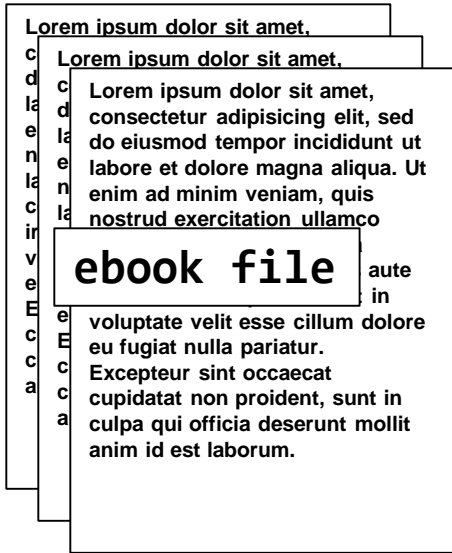
Ebooks with DRM rely on a secret cryptographic key and proprietary software (Amazon software, Adobe Digital Editions, etc.) to be unlocked—without these, the ebooks stays locked/encrypted



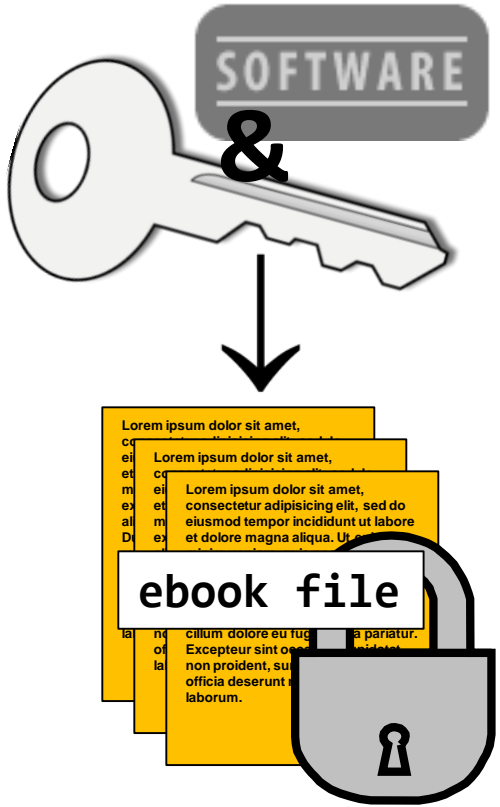
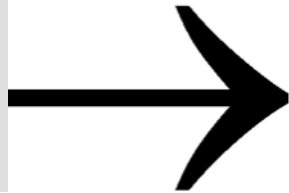


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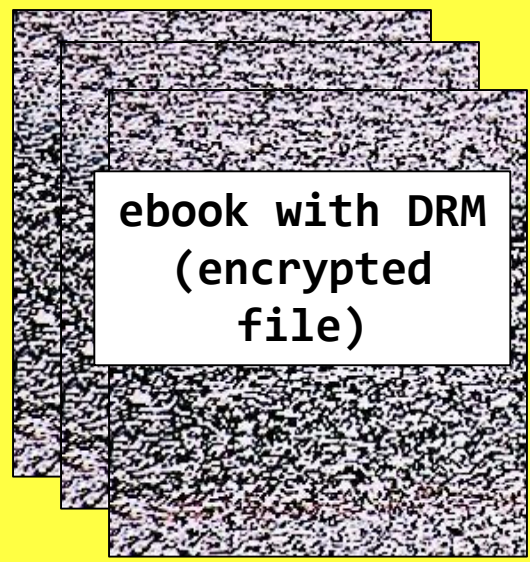
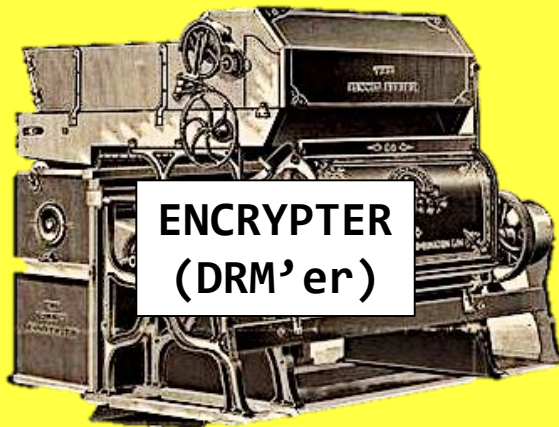




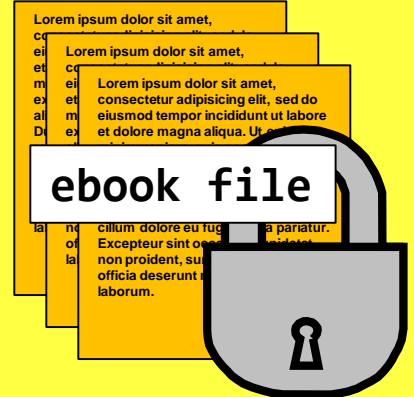
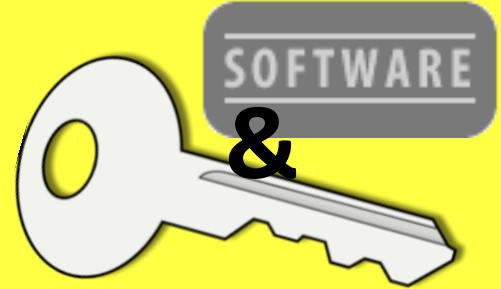
It's same content!
 DRM just takes away
 your ability to
 print, copy, etc.

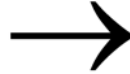
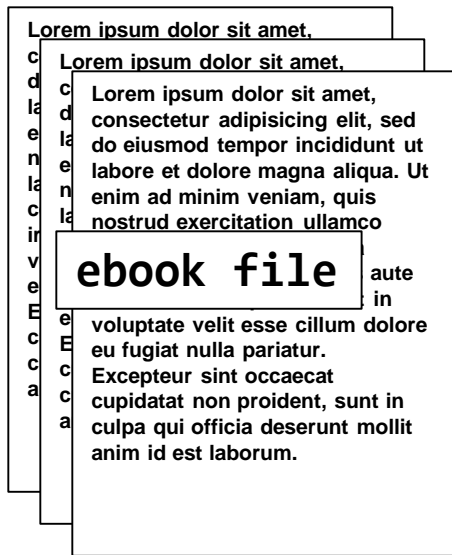


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DMCA Protection






Instead of encrypting and decrypting and taking control of our machines, **publishers and vendors could simply provide ebooks without DRM!**

(It's technologically simpler, and many publishers are already saying no to DRM!)

Digital Restrictions Affect:

- Control over Hardware/Freedom to Tinker
- Consumer Protection
- Privacy
- Fair Use
- Sharing





DRM restricts our
control over hardware
and freedom to tinker

DRM is at odds with consumer protection via troublesome End User License Agreements (EULAs)



DRM restricts
fair use

DELINQUENT:

LIBRARIAN
I AM A CRIMINAL BECAUSE
I PHOTOCOPIED TEN BOOKS
WE NEEDED FOR THE
SCHOOL LIBRARY.

 **Copy/South**
Research Group & Network
Grupo de Investigación y Red

170

160

150

140

DRM threatens our
privacy and the
freedom to read



DRM restricts sharing
(and threatens libraries)



The two main commercial models for digital books (both rely on DRM)



1. Tethered ebooks for individuals

Ebooks sold via devices: Kindle, iPad, Nook, etc.

2. Ebook collections for libraries

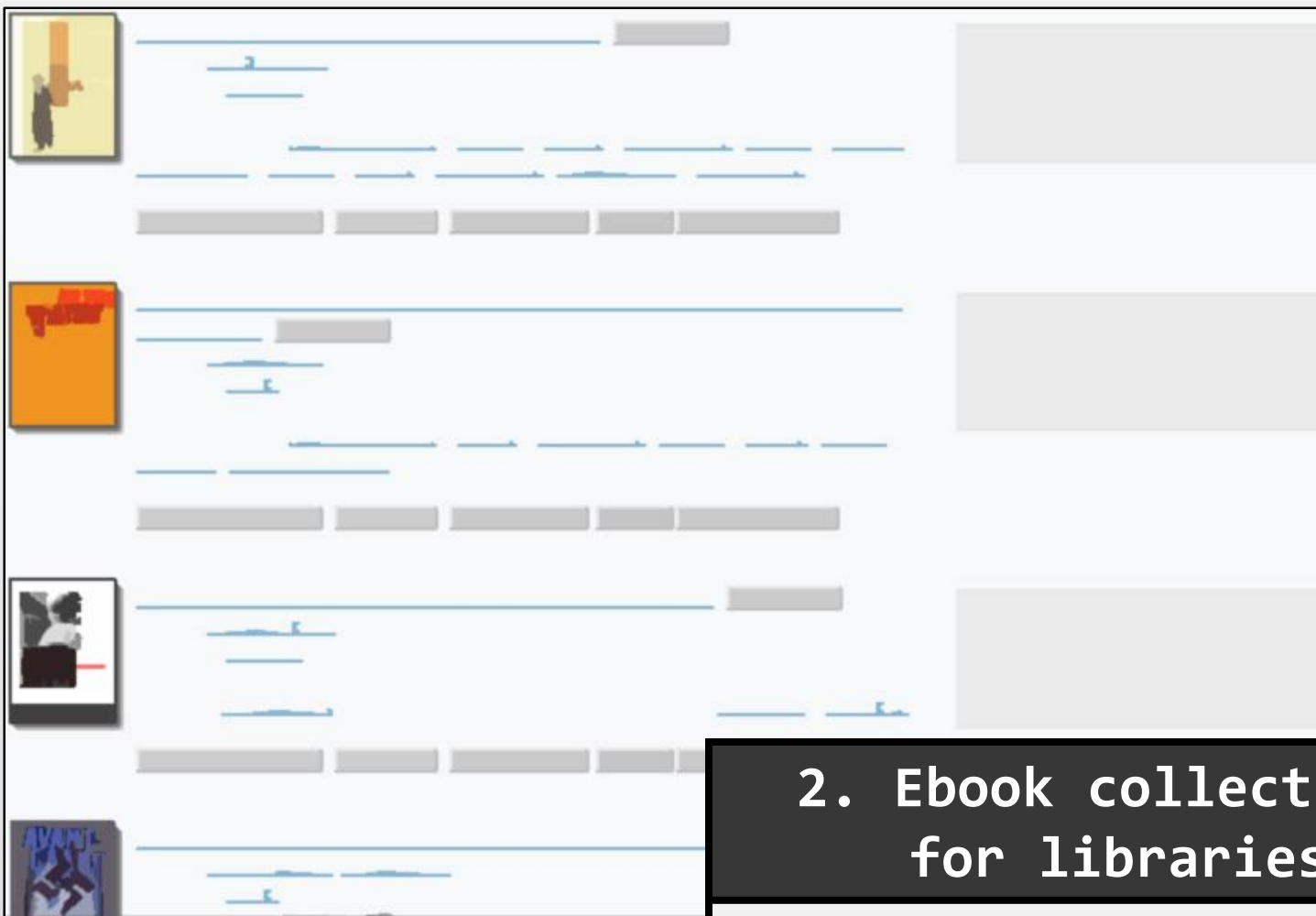
Sold through Vendors: Netlibrary, Ebrary, Overdrive, etc.

Lending tethered ebook devices in libraries



1. Tethered ebooks for individuals

Mainly sold via devices: Kindle, iPad, Nook, etc.



2. Ebook collections for libraries

Sold through vendors:
Netlibrary, Ebrary,
Overdrive, etc.

Restricted printing

Print Range:

- Current Page
- Pages from 8 to (Maximum 60 pages)
- Current Chapter

Print

Close

Simultaneous readers and “checked out” ebooks



Caged vs. free range
downloading

Adobe Digital Editions = DRM

A black and white photograph of a person with curly hair reading a book. The person is in profile, looking down at the book. The background is a blurred library with bookshelves. A white rectangular box with a grey border is overlaid on the top right of the image, containing the text 'The importance of reading offline'.

The importance of reading offline



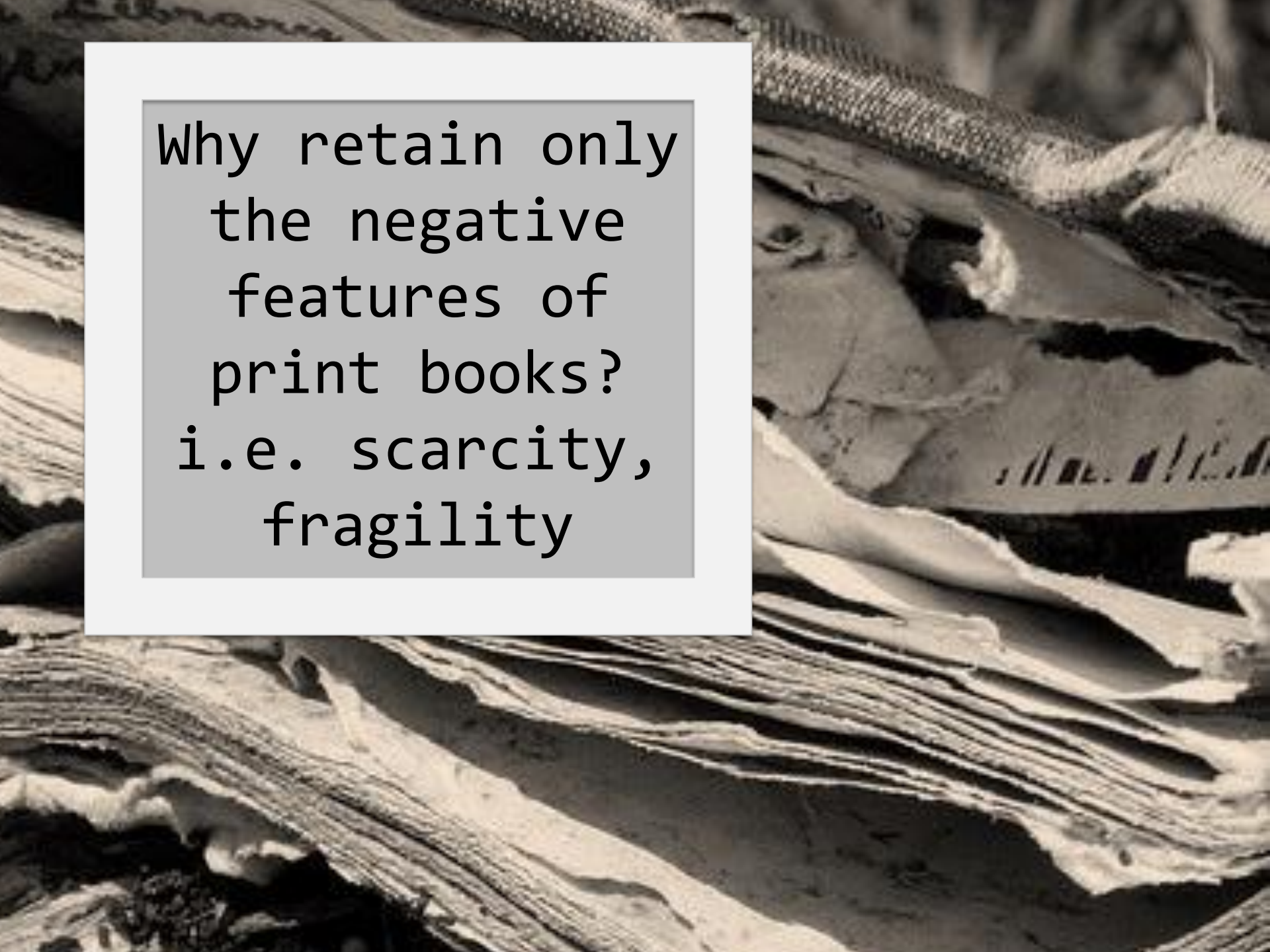
Rental vs. Ownership

Disappearing books,
diminishing budgets, and
permanent collections

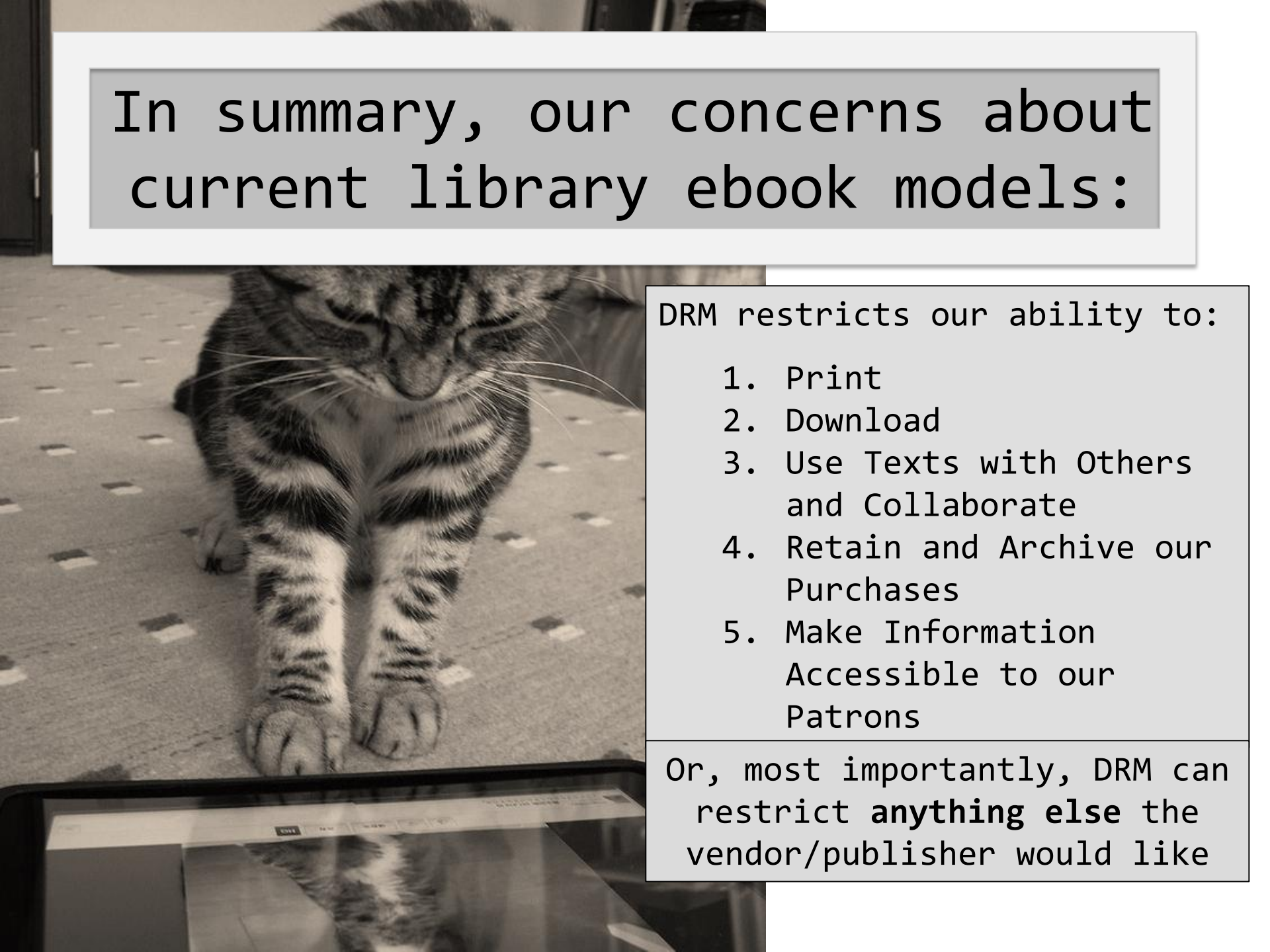


How ebook models differ
from electronic journal
subscriptions





Why retain only
the negative
features of
print books?
i.e. scarcity,
fragility



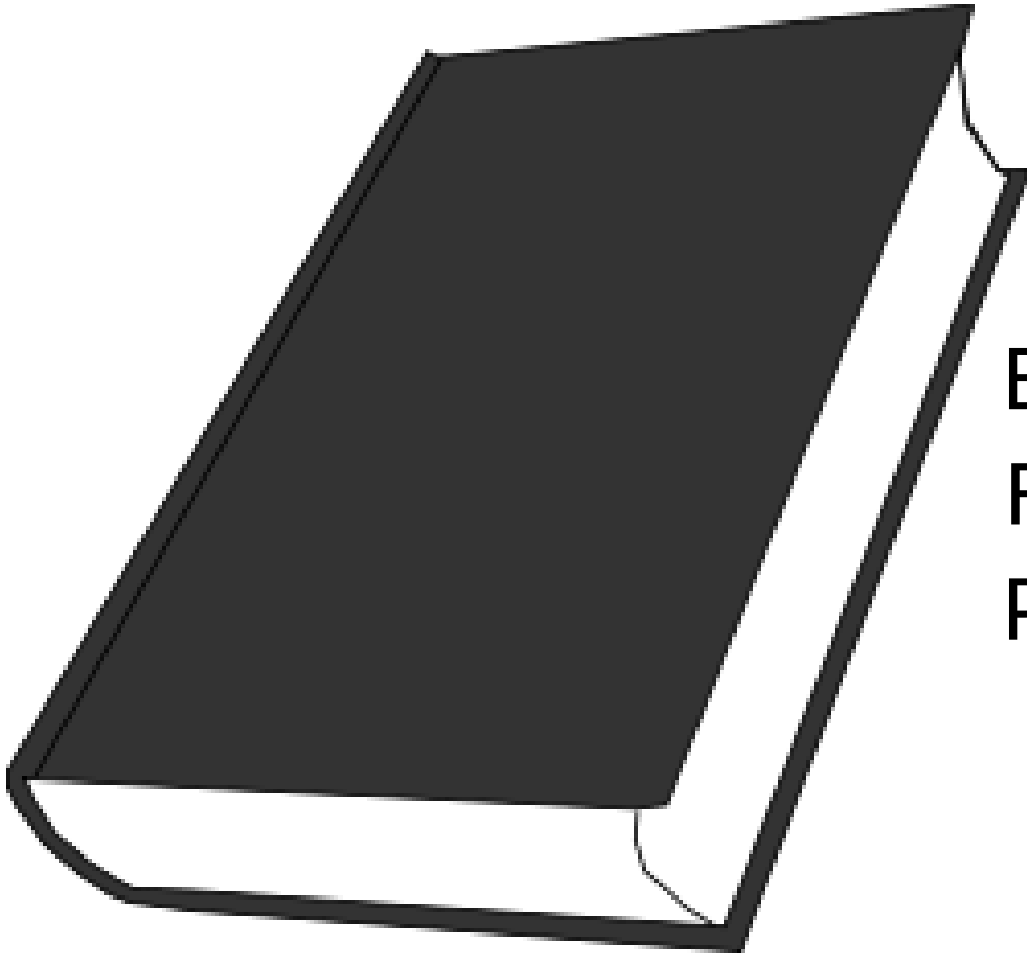
In summary, our concerns about current library ebook models:

DRM restricts our ability to:

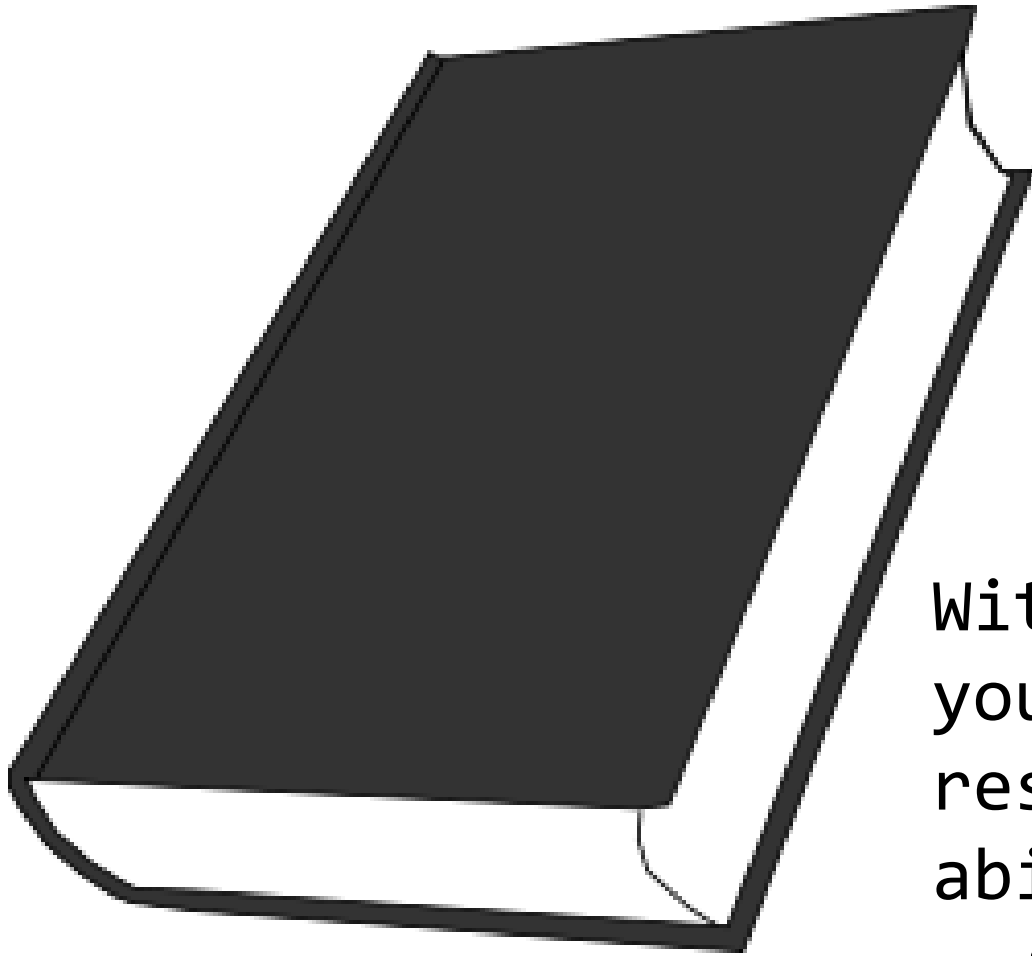
1. Print
2. Download
3. Use Texts with Others and Collaborate
4. Retain and Archive our Purchases
5. Make Information Accessible to our Patrons

Or, most importantly, DRM can restrict **anything else** the vendor/publisher would like

What's the Solution?



Back to the
Future: The
Printed Book.

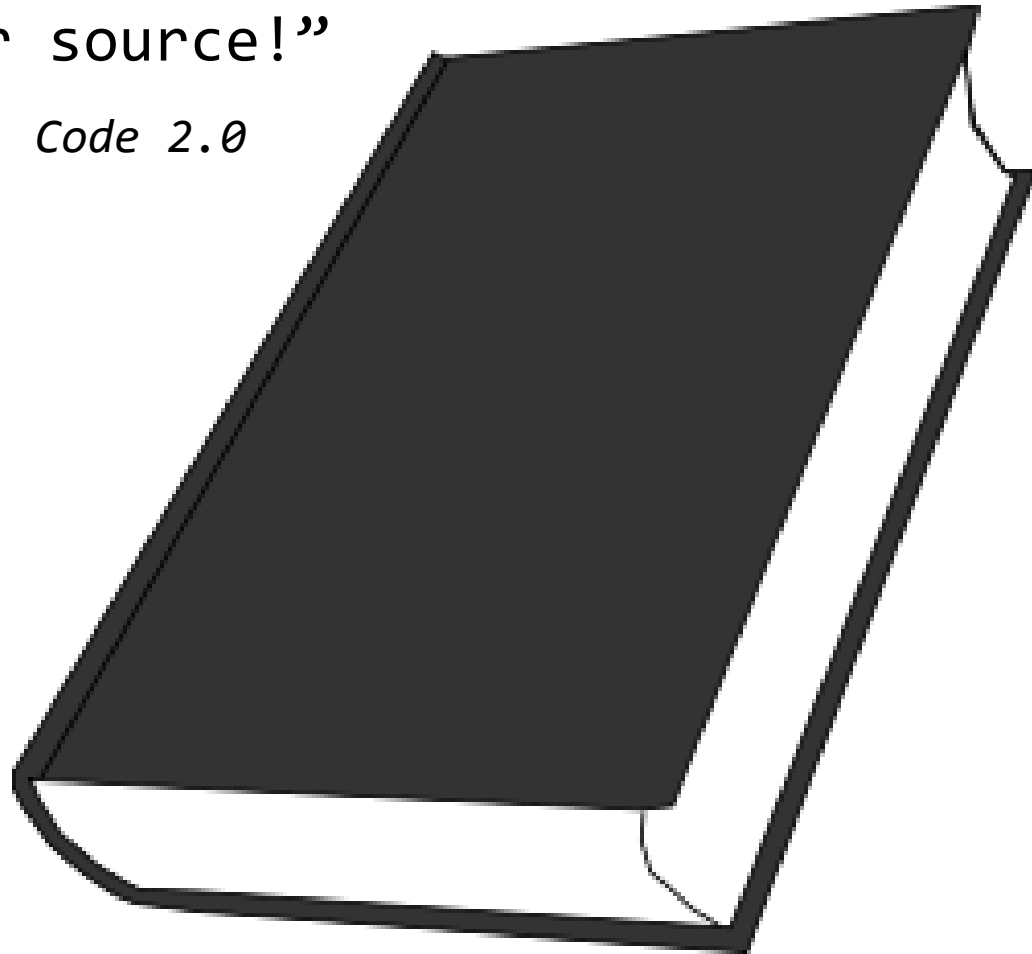


With a printed book,
you are not
restricted from the
ability to:

- Save/Retain
- Share
- Change the Contents
- Copy

“Books are open code:
They hide nothing; they
reveal their source—
they are their source!”

—Lawrence Lessig, *Code 2.0*



The Readers' Bill of Rights for Digital Books

*As readers of traditional print materials, we are already guaranteed all of these rights--and we should not be denied them due to the medium in which we are reading.

READERS' BILL OF RIGHTS for DIGITAL BOOKS

- 1. Ability to retain, archive and transfer purchased materials**

READERS' BILL OF RIGHTS for DIGITAL BOOKS

1. Ability to retain, archive and transfer purchased materials
2. Ability **to create a paper copy** of the item in its entirety

READERS' BILL OF RIGHTS for DIGITAL BOOKS

1. Ability to retain, archive and transfer purchased materials
2. Ability to create a paper copy of the item in its entirety
3. Digital books should be in an **open format** (e.g. you could read on a computer, not just a device)

READERS' BILL OF RIGHTS for DIGITAL BOOKS

1. Ability to retain, archive and transfer purchased materials
2. Ability to create a paper copy of the item in its entirety
3. Digital books should be in an open format (e.g. you could read on a computer, not just a device)
4. **Choice of hardware** to access books (e.g. in 3 years when your device has broken, you can still read your book on other hardware)

READERS' BILL OF RIGHTS for DIGITAL BOOKS

1. Ability to retain, archive and transfer purchased materials
2. Ability to create a paper copy of the item in its entirety
3. Digital books should be in an open format (e.g. you could read on a computer, not just a device)
4. Choice of hardware to access books (e.g. in 3 years when your device has broken, you can still read your book on other hardware)
5. Reader information will remain **private** (what, when and how we read will not be stored, sold or marketed)

What You Can Do



**LIBRARIANS
AGAINST
DRM**

Choose your own adventure: a few actions against DRM

- Refuse to spend your library's budget on restricted materials
- Release your own work without restrictive licensing or DRM
- Talk with your patrons and colleagues about digital restrictions
- Let vendors and publishers know that you oppose digital restrictions
- Remain aware of the ways that purchases (of items such as Kindles or subscriptions to online ebook collections) affect readers' rights
- Help this project: give us feedback for the next version of the Readers' Bill of Rights for Digital Books
- Take part in the Day Against DRM which happens May 4 each year (until DRM is abolished!)

The background of the image is a dark, textured surface, possibly a book cover or a display board, featuring several rectangular panels. Each panel contains a different, colorful, pixelated illustration. The illustrations include a landscape with a house and trees, a person in a hat, a person in a red coat, a person in a blue coat, and a person in a white coat. The overall aesthetic is reminiscent of early digital art or low-resolution graphics.

Digital books are still
appealing without DRM!

All the features that make ebooks amazing
would still continue to amaze without DRM!

This project could become irrelevant tomorrow!



It's easier than ever to avoid DRM



UNIVERSAL INTERNATIONAL NEWS

NEWS IN BRIEF

VOICE: ED MERLINI



Further reading and inspiration:

- “The Right to Read” by Richard Stallman
- “Freedom to Read Statement” by the American Library Association
- The Free Software Movement
- The “Five Laws of Library Science” by S.R. Ranganathan
- The Free Culture Movement
- Open Access Publishing
- The Free Culture Movement



More information & resources on our website

• User Account



@readersrights on
Identi.ca

@ReadersRights on
Twitter



All content on this site, unless otherwise specified, is released under a Creative Commons Attribution-ShareAlike License. Copying is an act of love!

ReadersBillofRights.info

Home

(A Short) Bibliography of Resources

A collection of links, in addition to the resources below, is available at: <http://delicious.com/alyciaaicyla/ebook>

Battles, Matt. "The Book: Terms of Service." library ad infinitum. <http://mbattles.posterous.com/the-book-terms-of-service> and <http://mbattles.posterous.com/terms-of-service-the-movie>

Brantley, Peter. Digital Books and the Impact on Libraries. (Special Issue of "Library Trends"). Baltimore, MD: Johns Hopkins University Press, 2008.

Cohen, Dan. "Kindle's DRM Rears its Ugly Head... And It IS Ugly." Gear Diary. <http://www.geardiary.com/2009/06/19/kindles-drm-rears-its-ugly-head-and-...>

Davis, Denise M. and Tim Lafferty. "Digital Rights Management: Implications for Libraries." The Bottom Line: Managing Library Finances. 15.1 (2002):18-23.

Bayley, Ed. "Updated and Corrected: E-Book Buyer's Guide to Privacy." <http://www.eff.org/deeplinks/2010/01/updated-and-corrected-e-book-buyers...>

About

Bill of Rights

Bibliography

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Contact

Other Reading

- Tim O'Reilly on Piracy, Tinkering, and the Future of the Book
- Deutsch Graphics
- Free Our Books Project
- A Right to Read Anonymously: A Closer Look at "Copyright Management" In Cyberspace
- Many Readers list DRM as a reason why a sale wasn't made...
- There's no such thing as "minimal DRM." We hope the new UPCC figures this out by Jan 2012!
- French Graphics
- ALA: "Restrictions on library e-book lending threaten access to information"
- French Translation of RBRfDB

amazonkindle

Alycia Sellie

asellie @ brooklyn.cuny.edu

Matthew Goins

me @ matthewgoins.org

<http://readersbillofrights.info>

identi.ca & twitter: @readersrights