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

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Independent Technologist

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Metro Webinar
July 27, 2011
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
• “Lendling” or short-term sharing between personal collections (via DRM)
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)
“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 permissable.”

—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.
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.
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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

DRM restricts content, through secrets that are kept from the end user.
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.
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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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.
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.
It's **same content**! DRM just takes away your ability to print, copy, etc.
ebook file

ENCYPTER (DRM’er)

DMCA Protection

ebook with DRM (encrypted file)

SOFTWARE
&

key

book file

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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 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)

<table>
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<th>1. Tethered ebooks for individuals</th>
<th>2. Ebook collections for libraries</th>
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<tr>
<td>Ebooks sold via devices: Kindle, iPad, Nook, etc.</td>
<td>Sold through Vendors: Netlibrary, Ebrary, Overdrive, etc.</td>
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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
Simultaneous readers and "checked out" ebooks
Caged vs. free range downloading

Adobe Digital Editions = DRM
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
Back to the Future: The Printed Book.

What’s the Solution?
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)
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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!)
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
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

[Logos and websites for related organizations, such as EFF and DefectiveByDesign.org]
(A Short) Bibliography of Resources

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


http://readersbillofrights.info
identi.ca & twitter: @readersrights