

Campaign for
**Digital Rights
for Consumers**



CONSUMERS DIGITAL RIGHTS

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“P2P is like stealing a CD from a shop!”; “We have to protect artists who are being robbed by consumers on the Internet”. Big music and film companies are continuously feeding us claims like this on television, on the street and in the newspapers - painting private consumers as pirates and criminals. The same companies publish guides telling consumers what they **cannot do** in the digital world. For these companies, consumers have no rights when buying CDs, DVDs or other digital material - apart from a few generously bestowed exceptions!

Under the heading of Digital Rights Management (DRM) new technologies are being used to limit or prohibit perfectly legitimate practices. “Exemplary” legal cases are being prosecuted and users threatened with huge penalties for downloading music or films on the Internet. The industry hides behind the artists that it claims to defend, alienating their fans and supporters.

We know that there is a serious global problem of piracy. Consumers should not buy counterfeit copies of CDs and DVDs; too often these products are made in large numbers by organised criminal, and possibly also terrorist, gangs. On the other hand, private consumers are not criminals or terrorists and the industry must stop portraying them as such.

The time has come to guarantee consumers certain basic rights in the digital world and to tell them what they **can do** with their digital hardware/content. This is our message in this campaign.



1. Right to choice, knowledge and cultural diversity

The Internet allows almost infinite possibilities of access to knowledge, culture and diversity. Unfortunately industry is trying to restrict the use of material from the Internet in order to protect its own economic interests - under the guise of “protecting intellectual property” and “rewarding creativity”. In this way much of the available information and culture is taken hostage and many of us are unable to access it.

Many technical means exist for artists to create and share their works as widely as possible with their audiences - such as the Creative Commons licence or legal P2P exchange systems like Jamendo. In reality, however, very many artists cannot get access to the distribution channels which could make their work available to large numbers of consumers. In music, for example, four “big players” dictate the rules of the game by controlling the market across the world and maintaining CD prices at often prohibitive levels. Together with the management companies, it is the big music companies who decide how artists should disseminate their works, discouraging them from using new distribution models, even though many artists support the principle of “sharing” via alternative channels. To reach large numbers of potential consumers, artists have to accept the terms imposed by the big companies - terms that are unfair for creative artists and for consumers.

- Consumers are entitled to benefit from a competitive market which promotes creativity, freedom of expression, choice and cultural diversity. Politicians and lawmakers must make sure this right is respected and must encourage new forms of creating and sharing digital data!

2. Right to the principle of “technical neutrality” - defend and maintain consumer rights in the digital environment

It took a long time to achieve but consumers now have a clear set of rights when using traditional audio-visual material - such as the right to information, the right to fair contract terms and the right to redress when products are not as they should be. We think they should have the same rights for digital material. In reality, many practices in the digital environment ignore and trample on established consumer rights. Industry alone sets the terms, deciding what information is to be distributed, what is fair or what is legal, how material should be used etc., taking no account whatsoever of consumer rights. Contractual clauses are offered on a “take it or leave it” basis, are generally non-negotiable and can even be changed later by the service provider.

When there are restrictions on the use of digital equipment and products, consumers are rarely told of these before purchase. The use of digital products is restricted by “Digital Rights Management” (DRM) systems and legal terms that consumers know little about. We think consumers should be informed before they buy a digital product of all its hidden restrictions.



In the same way any change after purchase, such as the fact of unknowingly downloading a programme which modifies our computer's functionalities, should not be possible without the consumer's consent.

- Both consumers and creators are entitled to a high level of protection involving full, transparent information. Consumers are entitled to “technical neutrality”. They should have the same rights online as offline. Digital technology must not be used to take away established consumer rights.

3. Right to benefit from technological innovations without abusive restrictions

Consumers should benefit from new technologies. DVDs are a great new medium, but European consumers often cannot watch American DVDs on their European players. The industry has divided the DVD world market into different “regions” to make more money. There is no legal or technical reason for doing this.

Why can't we transfer legally acquired music from a computer to a walkman? And why should we soon be deprived of the possibility of recording a TV programme by means of a “broadcast flag” (a system dictating what can be recorded or not)?

Industry is in the process of developing DRMs or “digital rights management” systems in order to manage the use we can make of digital equipment and products that we acquire legally. This is abusive and unjustified! When we buy a book

we are not told that we can only read it once or that we cannot lend it to a friend or sell it - yet this is what is happening with digital material.

Certain consumers are denied the benefits of new technologies: blind people for example need to be able to translate content into other formats in order to access them (into Braille in particular), something which is not allowed under some DRM systems.

Certain operators want to go even further and stop us from using a new technology at all. This is the case, for example, of P2P, which permits information and culture to be shared from computer to computer over the Internet without intermediaries. It is true that a legal framework still has to be found for managing this technology and rewarding artists fairly. It is also true that the technology can be misused but it is wrong to simply try to outlaw the technology.

- Policies must ensure that consumers and creators benefit fully from technological development - industry must not have the power to impose excessive control over digital content.

4. Right to interoperability of content and devices

Records and CDs used to be playable on all brands of players - this was interoperability. Now we are losing this important benefit.

Right now it is impossible to buy a piece of music on iTunes, an online music shop, without owning an iPod. A Sony walkman can download music only from a Sony downloading platform. Examples of incompatibility are legion, as our new study shows.



Sometimes CDs can work on a home player or computer but not on a CD player in a car. How many times does industry hope to have us pay for the same song in order to listen to it in different places?

When we buy a book in a bookshop, we are not forced to wear one special set of glasses in order to read it. Why are things otherwise in the digital world?

- It is time to guarantee the interoperability of digital content and material.

5. Right to the protection of privacy

If you decide to download a programme onto your home computer, it can happen that an additional programme is sent at the same time, without you knowing. Without your knowledge or permission, this additional software may do two things that it should not do.

It may change the programming or operating system of your computer - to limit how you can use the material you download (even material you may download in the future). It may also send back information about your surfing habits and preferences.

With the development of new digital media (including digital television), it will soon be possible to know your philosophical, political or religious convictions or your centres of interest as a function of the programmes you watch.

As DRM systems develop and become more sophisticated, it will be increasingly difficult to remain anonymous and retain our privacy.

An old vinyl record or a tape may have been played hundreds of times, lent out, sold, borrowed, played at home or away, without anyone being able to track the owner's habits and preferences. Why should industry be able to monitor my private life and my personal habits when I use digital material?

- Politicians need to ensure that privacy and personal autonomy are respected in the digital environment. Digital players or computers should not be interfered with without the owner's full knowledge and consent.

6. Right not to be criminalised

There are organised criminal and even terrorist networks that copy CDs, DVDs and other digital products for commercial gain. This is a crime and is properly called piracy. Unfortunately, the industry also tries to stick the "piracy" label even on individuals copying a piece of music for private non-commercial use. Words like "theft" and "stealing" are bandied about, without any distinction between one kind of copying and another.

Downloading music without permission may not be right but it is NOT the same thing as stealing a CD in a shop! It is certainly not to be equated with the real problems of criminal piracy and counterfeiting. In trying to characterize very different actions under the one definition of piracy, the industry is perverting language and truth.



In refusing to accept that consumers have rights online, industry cannot hope to win the hearts and minds or the loyalty of consumers. One abuse encourages another.

How can consumers be encouraged to respect the rights of industry and artists online if they are told that they themselves have no rights or that they are thieves or pirates? Consumers and artists need each other. They should each be prepared, and often are prepared, to respect each other's rights. Industry should not paint a picture of opposition between the demands of consumers and the rights of artists and performers.

We want to see an end to legal proceedings launched to intimidate surfers and consumers of digital equipment who limit themselves to private non-commercial use.

In the 1970s the motion picture industry denounced the harmless video tape as a fatal blow to cinema and creativity. Will they never learn?

■ Give consumers clear and fair rights to use digital material and do not criminalise them for making non-commercial use of P2P file sharing techniques or other dissemination technologies!

Consumers and artists need each other.
Each has rights that the other should respect.

This CD is published under a licence called "Creative Commons" that protects the rights of the artists. It also gives consumers more rights than they usually get from the big music and film companies. The 14 artists on this CD want you to share their music under these terms and we are very grateful for their participation. Listen to them and, if you like what you hear, introduce them to your friends.

In the future we hope that all musicians and other artists will use this kind of licence to distribute their work.

A special word of thanks to Neil Leyton, for his valuable help in producing this CD.

We hope that you like this CD and that you will support our campaign on the website

www.consumersdigitalrights.org



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