

Unlocking the Gates of Alexandria: DRM, Competition and Access to E-Books

Ana Carolina Bittar

Master of Laws Candidate, Fundação Getúlio Vargas

São Paulo, Brazil

New technologies can often disrupt the balance between public and private interests in copyright law. For example, the Internet has facilitated the dissemination of artistic works by allowing users to mass distribute files within seconds. In response, the entertainment industry has turned to digital rights management (DRM) as one way of combating piracy. DRM is a technique that allows copyright owners to enforce their rights by controlling what users can do with their digital files, such as by restricting the platform on which the file can be accessed. In addition, the DRM scheme is protected by anti-circumvention laws, which prevent users from "breaking" the DRM. Although the main goal of DRMs is to prevent piracy, this technique can adversely impact other interests, such as privacy and fair use. This result is apparent in the e-book market, where it affects competition. More specifically, since each bookseller uses a different proprietary DRM scheme on their e-books, compatible with a limited number of reading platforms, consumers face problems with interoperability. For example, a Kindle owner cannot buy books from Barnes & Noble, and a Nook owner cannot buy books from Apple. This lack of interoperability can increase barriers to entry, switching costs, and network effects. Consequently, consumers are often locked into an e-book ecosystem, which permits booksellers to act as gatekeepers of the e-book market. Moreover, this situation can undermine the potential of e-books to spread knowledge, promote literacy, and extend the reach of literature. Examining the effects of DRM in the e-book market, this paper will discuss the equilibrium between three different public policies: the protection of copyrighted works, the promotion of market competition and the fostering of a free and robust cultural environment.

Bittar

Biography: I grew up in Brazil and received my law degree from University of São Paulo. Currently, I am doing my Masters in Law at Fundação Getúlio Vargas in São Paulo, where I also participate in the Research Group on Law and Innovation.

Email: anacarolinabittar@gmail.com