

# Business Models Enabled By DRM Technologies

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**DRM = TPM?**

TPM = ?

Technical Protection Measures?

or

Third-Party Management?

or

Third-Party Mandates?

# Third-Party Mandates

- License-based: selective functional impairment
- Statute-based: Audio Home Recording Act, Digital Millennium Copyright Act
- Court-based: secondary liability theories
  - *Napster*
  - *Grokster*
  - *Perfect 10 v. VISA and MasterCard*
  - *Perfect 10 v. Google*
- Government agency-based: compulsory audits

# *Grokster* and DRM

- DRM availability and deployment decisions affect liability determination?
- DRM deployment as avoiding liability?
- DRM deployment mandated to comply with injunction?
  - Effect of flaws in DRM
  - Effect of changes in DRM standards
  - Consumer deception re DRM essential to success of deployment, compliance, and enforcement?