Consumer Protection: Inside Copyright Law or Outside?

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Overview

Consumer Protection

Copyright
Consumer Protection Law

Illustrative areas

- Fraud and deceptive practices
  - E.g. interstate land sales, unordered merchandise, …
- Consumer privacy
  - E.g. data collection, telemarketing, …
- Consumer credit
  - E.g. credit card terms, credit reporting, billing disputes, truth in lending, installment loans, …
- Product safety and quality
  - E.g. product liability, product safety, warranties, …
Underlying Framework

- Disparities between consumers / producers
  - Information and knowledge
  - Sophistication and rationality
  - Economic power and wealth
Consumer Protection Goals

- Accurate and understandable information
- Protection against fraud and deception
- Protection of consumer privacy
- Effective consumer remedies
- Minimum product safety and quality
Consumer Protection

- Accurate and understandable information
  - Clear labeling for DRM
  - Clear notice for licensing terms

- Protection against fraud and deception
  - Sony / BMG rootkit
  - Fraudulent or deceptive copyright notices
  - Inaccurate DMCA takedown notices
Consumer Protection

- Protection of consumer privacy
  - Disclosure of information tracking
  - Right to read anonymously (Cohen)

- Effective consumer remedies
  - Damages and penalties for violations
  - Consumer class actions
  - Effective return policies
Consumer Protection Goals

- Accurate and understandable information
- Protection against fraud and deception
- Protection of consumer privacy
- Effective consumer remedies

- Minimum product safety and quality
Consumer / Copyright

● Product safety and quality
  ● Buggy or vulnerable software / DRM
  ● DRM CDs that do not play properly

● Minimum set of consumer rights
  ● Right to make backups
  ● Right to transfer
  ● Personal copying
  ● Interoperability
Copyright

- Consumer creativity
- Consumer infringement