

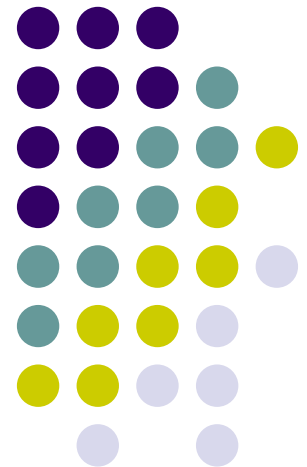
Consumer Protection: Inside Copyright Law or Outside?

Joseph Liu

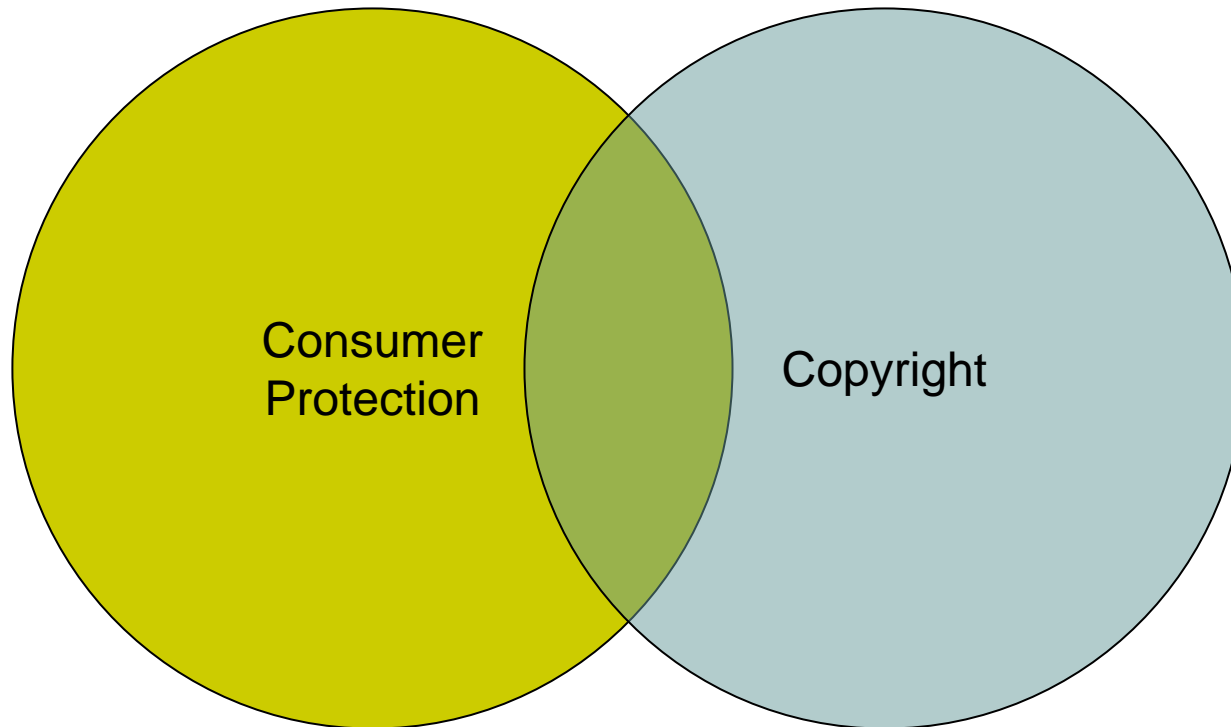
Boston College Law School

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U.C. Berkeley DRM Conference



Overview





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

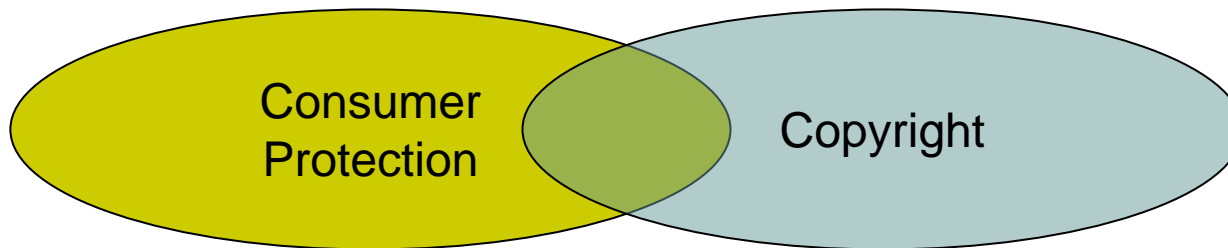
- Disparities between consumers / producers
 - Information and knowledge
 - Sophistication and rationality
 - Economic power and wealth

Consumer Protection Goals



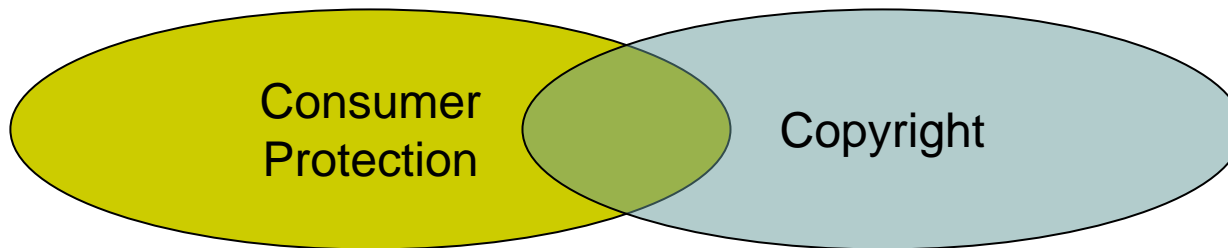
- Accurate and understandable information
- Protection against fraud and deception
- Protection of consumer privacy
- Effective consumer remedies
- Minimum product safety and quality

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

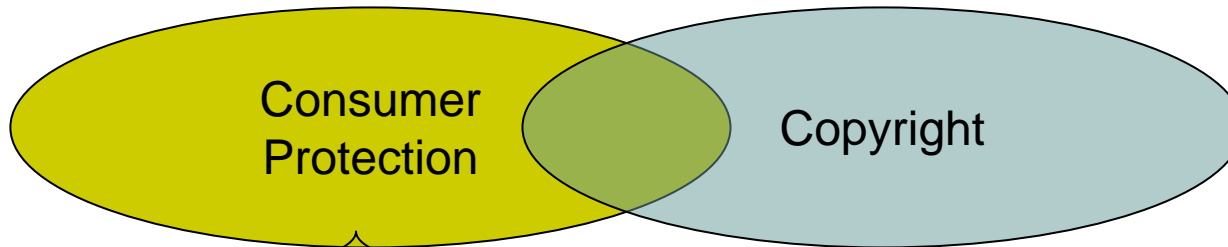


Consumer Protection Goals

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



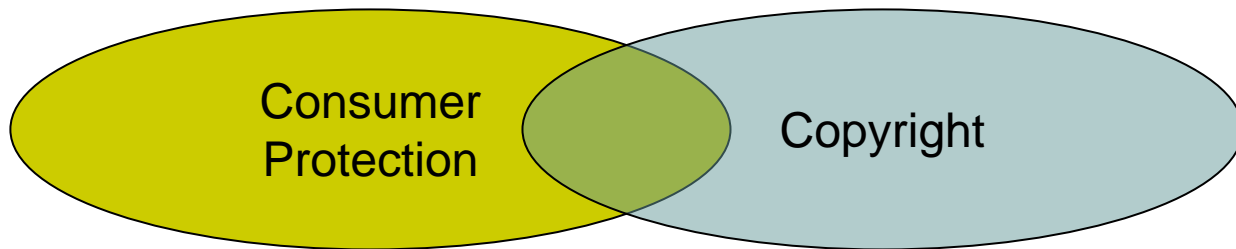
Consumer / Copyright



- 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