Predictions that digital rights management (DRM) technologies will be the predominant mode of distribution of digital content have been prevalent for at least the last decade. Yet, roll-out of DRM technologies has been somewhat slower than many expected, in part owing to consumer resistance to some DRM content and in part owing to the technical challenges that must be overcome to create the infrastructure for DRM content. Many digital content providers believe that DRM content will be good for consumers because it enables new opportunities for content to be delivered in a variety of packages.

However, technically protected content can raise significant consumer protection concerns. One example is Sony BMG’s sale of copy-protected CDs that installed “rootkit” software on the computers of purchasers, making their computers vulnerable to attack. Another example is legislation recently proposed in France to require firms, such as Apple, to disclose information to enable other digital music platforms besides the iPod to be interoperable with iTunes music.

This conference will facilitate cross-disciplinary and cross-industry discussion on this important topic. Seven invited papers will be published in a symposium volume of BTLJ following the conference. These articles, as well as discourse among panelists, will contribute to the policy debate and to the literature on DRM and consumer protection law and policy issues.

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12.5 units of MCLE credit is available for attendees of the symposium.
Conference Schedule

Friday, March 9

8:00-8:25  REGISTRATION & CONTINENTAL BREAKFAST
8:25-8:30  INTRODUCTION TO THE CONFERENCE
           Robert Barr, BCLT
8:30-10:30 BUSINESS MODELS ENABLED BY DRM TECHNOLOGIES
           Moderator - Anthony Malutta, Townsend and Townsend and Crew
           Dean Marks, Warner Brothers
           Victoria Bassetti, EMI Music
           Tom Rubin, Microsoft Corp.
           Todd Alberstone, RealNetworks, Inc.
           Gerard Lewis, Comcast
           Andrew Bridges, Winston & Strawn
           Hal Varian, iSchool, UC Berkeley
10:30-11:00 BREAK
11:00-12:30 PRIVATE SECTOR INITIATIVES TO DESIGN TECHNOLOGY TO ENABLE (SOME) PRIVILEGED USES
           Moderator - Marc Kaufman, Nixon Peabody
           Rene van Buuren, Telematica Institute, Netherlands
           Edward Felten, Princeton University
12:30-2:00  DAVID NELSON MEMORIAL KEYNOTE LECTURE
           Introduction - Jim Bennett, Morrison & Foerster
           Commissioner J. Thomas Rosch, FTC
2:00-3:30  WHAT ROLE SHOULD THE GOVERNMENT PLAY IN ENABLING OR REGULATING DRM TECHNOLOGIES?
           Moderator - Neel Chatterjee, Orrick, Herrington & Sutcliffe
           Justin Hughes, Cardozo Law School
           Gigi Sohn, Public Knowledge
           David Carson, Copyright Office
12:30-1:30  LUNCH
3:30-4:00  BREAK

Saturday, March 10

8:00-8:30  CONTINENTAL BREAKFAST
8:30-9:00  KEYNOTE LECTURE
           Introduction - Pamela Samuelson, BCLT
11:00-12:30 CONSUMER PROTECTION ISSUES POSED BY SONY BMG COPY-PROTECTED CDS
           Moderator - Laurence Pulgram, Fenwick & West
           Cindy Cohn, Electronic Frontier Foundation
12:30-1:30  LUNCH
1:30-3:00  CONSUMER PROTECTION: INSIDE OF COPYRIGHT LAW OR OUTSIDE?
           Moderator - Peter Menell, BCLT & Boalt Hall School of Law
           Bernt Hugenholtz, Univ. of Amsterdam Law School
12:00-2:30  DAVID NELSON MEMORIAL KEYNOTE LECTURE
           Introduction - Jim Bennett, Morrison & Foerster
           Commissioner J. Thomas Rosch, FTC
1:30-3:00  CONSUMER PROTECTION: INSIDE OF COPYRIGHT LAW OR OUTSIDE?
           Moderator - Peter Menell, BCLT & Boalt Hall School of Law
           Bernt Hugenholtz, Univ. of Amsterdam Law School
           Niva Elkin-Koren, Univ. of Haifa Law School
           Joseph P. Liu, Boston College Law School