

Digital Media Copyright Protection & Authorization Plan

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*United States copyright law, contained in Title 17 of the United States Code, provides that a copyright holder has the **exclusive** right to **Reproduce a Copyrighted Work**.*

SUMMARY

- **Restore and Protect** the rights of all entertainment professionals.
- **Secure the Digital Entertainment Marketplace** by Strictly Regulating ALL Operating Systems and Digital Media Players.
- **Regulate Playback, Distribution, Duplication and Exploitation** of ALL copyrighted media files.

The worst enemies of the creators and sellers of contemporary music, movies, and other digital media are Mac, Windows and Linux Operating Systems as well as iTunes Media Player, Windows Media player, and Quick Time Media Player. These programs and others like them afford anyone with a computer and an Internet connection the power of unlimited and unauthorized reproduction, duplication, and distribution of copyrighted digital media files. The current plight of the recording and movie industries does not lie with the issue of “illegal downloading” per se; the real problem is UNAUTHORIZED REPRODUCTION. Downloading files onto a computer from Limewire, or any of the widely known Bit Torrent sites, is a relatively harmless act; it is simply a transfer of binary digits from one storage-medium to another, not unlike “buffering”. It can be argued that downloading data from the Internet does not even violate copyright law.

True “reproduction”, in the words of copyright law, does not occur until (1) the operating system converts the raw binary data into a visual “file” and (2) a digital media player (audible reproduction) and/or CD burning software (physical duplication) is implemented. These operating systems and media players have essentially given away every song and movie ever made, for free, forever. No matter how much you try and regulate the ISPs (binary data transfer), the cat is out of the bag, right?! Wrong...all the technology needed to put an end to this has already been created. Not only can the problem be stopped, but all those files that have been “stolen” could be recovered and the artists and producers responsible for them can be retroactively compensated.

DESCRIPTION

This document is meant to outline an alternative way to end Internet piracy or “illegal downloading”. The rapid advancement of computers and Internet technology has given great power to billions of people, and fueled the creation of countless pieces of amazing software. So far this power has been knowingly misused by consumers to the detriment of not only the recording and movie industries of the world, but has also contributed, in some way, to the current economic crisis. Tough new laws must be put in place to regulate the unauthorized reproduction of copyrighted digital media files by underdeveloped and unregulated operating systems and digital media players such as Mac OS, Windows OS, iTunes MP and Windows Media Player.

One of the most revolutionary and exciting new Internet technologies is a system of waveform recognition that is just now being incorporated into YouTube by a company called Audible Magic. Audible Magic has made it possible for copyright holders to regulate the unauthorized use of their music by YouTube users. When a file is uploaded, Audible Magic scans the file for unauthorized audio content. When unauthorized audio content is detected, Audible Magic’s software deactivates the audio and the video is played back without any sound.

A similar system exists in a free iPhone App called Shazam. “Shazam” records an audio sample of a song that is playing (in a bar or supermarket for example) and automatically, within seconds, compares this sample with all known or “published” sound recordings available in the online music marketplace. Each audio file has a uniquely identifiable waveform or “fingerprint”. After this scanning process, the software tells you what the song is called, who the artist is, and where it is currently available to be purchased online.

This waveform recognition technology will be the basis of a new system that will solve most, if not all of the piracy problems facing the recording and movie industries of today.

What is needed is an international “Central Online Media Database” (like Audible Magic) that tracks and archives every single digital media file (DMF) purchase. All operating systems and digital media players must be reprogrammed and updated with strict authorization limitations and security features. When data is initially downloaded and displayed as a file within the operating system, a checkpoint must be setup to establish whether or not the user has authorization to reproduce/exploit the file (DMF). This initial checkpoint would cover the first step of “unauthorized (visual) reproduction” of a copyrighted digital media file by the operating system. Copyright holders have the right to know where and how their works are being exploited, and to what extent. This could be possible with the integration of an expanded waveform recognition system, like the one Audible Magic has created, into all operating systems.

The second step of “unauthorized (audible/physical) reproduction” by the digital media player could be handled in the following way. Imagine one day, after a routine update of your iTunes software, you open up iTunes, but instead of automatically opening as usual, you are asked to input your iTunes login information. Having a unique user ID/account linked to the consumer’s DMF library and authorization codes is critical. After which, your library is automatically scanned (“Audible Magic” “Shazam” style waveform recognition) and you are informed that you currently have 1278 songs and 24 movies files in your iTunes library that are in potential violation of Digital Media Copyright Protection Law. These

unauthorized files will receive a “red-light” status. All previously purchased “legal” files will receive a Digital Media Authorization Code (DMAC), a “green-light” status and will be cleared for reproduction (playback only).

What has just happened is iTunes has compared all the unique “fingerprints” of your digital media files against all published DMFs in the “Central Online Media Database” and has separated your authorized/purchased files from your unauthorized/illegal files. Once this initial scanning and authorization/de-authorization process has occurred, all your account information will be saved and updated in iTunes as well as in your newly created online account (“MyTunes.com”, just an idea). The amount of copies issued, duplication capabilities, and duration of “authorized reproduction” will be at the discretion of the artist and/or label. This system would operate much like the authorization process currently in place by the “Waves”, “Digidesign” and “Celemony” software companies. These companies require authorization codes to be constantly present during the use of their software. This relatively new system has essentially made it impossible for consumers to use pirated versions of their software.

Once a Digital Media Protection System is in place all “Old” DMFs (digital archives of previously purchased CDs) or previously downloaded “File Share Media” will eventually become potential sales. These “Old” files will simply be “red-lighted” or deactivated, since there is no record of purchase, and will no longer be available for reproduction. At any point the user will be able to select a red-lighted (unauthorized) file, and be automatically directed to iTunes/Rhapsody/Napster, or any other approved or “legal” online music store to purchase the corresponding authorization codes (DMACs) for those files. Once the user has obtained the DMACs for this previously downloaded media, those files will be “green lighted” instantly and be available for reproduction without the need of repeat downloading, although the option to download “fresh files” will be available.

All approved online music stores will integrate a universal authorization code system, and contribute all future and past records of purchased digital media files to the “Central Online Media Database”. These records of purchase will be linked to the unique fingerprint of the purchased DMF. All new versions of iTunes and Windows Media Player etc., under penalty of strict new Digital Media Copyright Protection Laws, will be updated with this Digital Media Copyright Protection And Authorization System. Eventually after time and planned obsolescence has done its job, all (operational) computers will have implemented this system through mandatory software updates (iTunes already does this), and this current trend of rampant unchecked copyright infringement, due to unregulated and unauthorized reproduction of copyrighted digital media files, will be a thing of the past. In the future a consumer’s entire music library will be able to be stored on one very small and portable device, accessible anywhere at anytime through the integration of “thumb drive” technology and mobile access to “Digital Media Authorization Codes”.

In regard to working professionals in the field of audio and movie production, “in-production” files will not be affected by this system. Upon importing “in-production” files will be scanned, just like all other files, and compared with all published DMF fingerprints currently available on the market, when they are cleared and approved as being unique and “unpublished” works under production by the artist and/or label, they will be authorized for reproduction without limitation (playback and duplication, i.e. CDs/DVDs). Upon the date of these previously “in-production” files being published, the “legal” digital

media player will inform the professional that the files have been published and are now available for purchase. If the artist/label wishes to provide any consumer with an authorization that is free of charge, that will be made possible by each person having a unique user ID/ account (like Myspace). The artist will have the power to grant free authorization codes to whom ever they want.

The user will not need to be continuously connected to the Internet to enjoy listening to their music or watching their movies. When iTunes is opened and an Internet connection is not detected, the user will be able to access all previously “green-lighted” files in their library. All imported files (CD or otherwise) will be automatically “red-lighted” if an Internet connection is not detected. Once the user connects to their online account “MyTunes.com”, these imported files will be scanned and appropriately accessed. This verification process is vital for ensuring and protecting the rights of the artist and label. If the imported file is not a “published” and “copyrighted” work available for purchase in the online marketplace, it will be deemed an original “independent” or “in-production” work and will be “green-lighted” for playback and duplication on all formats. If/and when that recording is “published” and becomes available online, the preauthorized file will be rescanned and “reassessed” once the user signs in to their online account. The Digital Media Protection And Authorization System will scan the users library each time they sign into their online account.

Eventually this software must be incorporated into Mac and Windows operating systems.

Current programs that can be used as models for the creation of this new Universal Digital Media Copyright Protection System

- AUDIBLE MAGIC
- iTunes (online purchasing of digital media files)
 - iTunes “Genius”
 - “Shazam” iPhone App
 - Myspace
- Digidesign, Waves and Celemony plug-in authorization processes