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Beyond the Book

A podcast series on the business of writing and publishing

Previewing Copyright & Technology Conference Interview with Bill Rosenblatt

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Wednesday, November 30, the [Copyright & Technology Conference](#) comes to Manhattan Penthouse in New York City, to cover the latest news on digital rights technologies. For a preview, CCC's Christopher Kenneally turns to [Bill Rosenblatt](#), the program chair and president of [Giant Steps Media](#).

Q: The Copyright and Technology Conference comes to Manhattan Penthouse in New York City on November 30th. Copyright and technology have always been indivisible, of course, whether the technology is the printing press or the iPad. Publishers and authors from Mark Twain to J.K. Rowling have struggled to protect their work from infringement and while innovation may sometimes offer anti-piracy solutions, it can also make distribution of illegal copies faster and easier. Welcome everyone to Copyright Clearance Center's podcast series Beyond the Book. My name is Christopher Kenneally. To learn more about C&T 2011, as the insiders call Copyright and Technology, we turn to Bill Rosenblatt, the program chair and president of GiantSteps Media. Welcome to Beyond the Book, Bill.

A: Thanks a lot for having me, Chris.

Q: Well, we've enjoyed chatting with you in the past for a number of different programs and we're looking forward to the Copyright and Technology Conference coming up at the end of this month on November 30th and you have a blog, Bill, that is of the same name, Copyright and Technology, that covers digital rights technologies, including digital rights management solutions of all sorts. So I have to start by asking for your assessment of DRM today. And DRM, as we know it in 2011, is not what it once was, even a few years ago. Is that right?

A: Yes. It's gone through a lot of changes over the past few years. Obviously it's not a technology that's gotten a very good reputation among consumers. I think you need to look segment by segment throughout the different media industries to gauge its impact and so for example, the music industry has stopped, for the most part, using DRM on file downloads, permanent downloads that you get over the internet, and instead DRM has sort of slunk into the shadows, if you will, and it's

found in certain mobile services under the guise of offline listening mode, for example. If you have a service like Spotify or Rhapsody or RDO or any one of these new, innovative subscription mobile services, it's a feature typically of the premium paid services to be able to listen to your files without streaming them from the cloud, and in order to do that, the files have to be resident on your mobile device, such as your Android phone or your iPhone, or whatever it may be. And in order to do that, in order for the licensors of the music to be comfortable, the content has to be protected. It's just that they don't call it DRM. They call it offline listening mode, positioning it as a feature rather than a restriction.

In the publishing world, you've got ebooks that have DRM. However, very recently, Amazon issued something that they call Cloud Reader, which is a web based Kindle reader application, as opposed to the Kindle devices, which of course are hardware devices, or as opposed to Kindle apps that are resident on different platforms, such as your Windows, PC, your Mac, your iPad, iPhone, BlackBerry or Android. And the Cloud Reader, as it turns out, does not use file encryption. It doesn't use DRM in its most typical definition. And so I think we're seeing a little bit of a shift towards DRM in the book publishing industry as well. I think the segment of the media industry where you see DRM the most, there are two segments really. One is in textbook publishing, where you have a situation where the buyers of the textbooks are not exactly willing buyers. They're students who have no choice but to buy a textbook in order to take a class and also in the video industry where movies are given DRM pretty regularly and pretty much exclusively, at least from the major studios. But yes, to answer your question, there have been a lot of changes over the last few years in how this technology is actually in the market.

Q: Well, that makes the timing of the conference particularly apropos because you really want to catch up for people where we are with all of this and –

A: That's right

Q: – it's a packed program. I'm looking at it now and all sorts of intriguing titles. Content security challenges in multiplatform distribution, the real world of DRM implementation, and content identification. Tell us about some of those.

A: Sure.

Q: You know, content identification. How is that shaping where we're going with copyright and technology?

A: Well, OK, content identification is a catch all term, which has been used in the industry and I used it in a white paper on this subject that I wrote a couple years ago, which if you go to giantstepsmts.com, you can find as a free download, if

you're interested. And it encompasses technologies to identify – here's a pile of bits. Here's a file. What is this, as a piece of intellectual property? What song is it? What video? What book? What PDF document? Whatever. What news article? Whatever it is. And there are two essential techniques for doing this, which are known as watermarking and fingerprinting. So watermarking is where you actually stick some data into the file in such a way that, first of all, usually the user can't perceive it, so it's sort of hidden. And second of all, it's very difficult to extract or remove from the content, but it contains some data about whose content this is or who distributed this content, or even in some cases, who downloaded it or what device downloaded it. And so that's one technology called watermarking.

The other technology, which is known as fingerprinting, is just sort of looking at the bits, doing some mathematical calculations on the values of the bits, and coming up with what we call a fingerprint, which is a number or a group of numbers that identify what the content is in an analogous way to a physical fingerprint identifying a person, and then just like with the way the police do, you look up this fingerprint in a database and you say, a-ha, this is such and such a piece of content. And these two techniques are used in a complimentary fashion. They're not mutually exclusive. Watermarking requires the watermark to be embedded or inserted to begin with, whereas fingerprinting is basically an educated guess. It's pretty accurate. It's not 100% accurate, but for many purposes, it's considered good enough. And they are used mostly in what we call forensic monitoring services to see, for example, if there are any files on file sharing sites or bit torrent sites or cyber locker sites, etc. that are not authorized. They're copyrighted works that are not authorized. So that's the tie in.

Now of course watermarking particularly can be used for a lot of different purposes besides copyright monitoring, but that's of course the context that we're going to discuss at the conference, and the way we have this panel is some very interesting case studies that show how it's being used in different settings. So we have Civiltion, which is one of the biggest general purpose providers of all different types of content identification technologies. They are a combination of a spin off from Philips and technology from Thomson, what's now called Technicolor, and there's sort of a roll up of different types of technologies in this space and they do a lot of TV monitoring, digital cinema, and things of that sort. Then we have someone from the audio business, a company called TuneSet (sp?) and I've seen this technology work. It's absolutely amazing. What TuneSet does is it listens to let's say TV shows and picks out the background music so that the creators of the background music or the owners of those copyrights can be compensated for what's known in the music industry lingo as sync rights, and it doesn't matter how deep it is in the background, this stuff really works. It's quite amazing.

And then the final panelist we have is from a company called PicScout, which was recently acquired by Getty Images, which is the largest still image licensor at least



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in the US, if not in the world. They license images to advertisers and news publishers and so forth and so on. They have an enormous repository of images and what PicScout does is it crawls the web to find instances of those images and it does it for two purpose, or at least two purposes, but the two main ones are first to check to see if anyone's using those images who doesn't have permission, which is a copyright infringement thing. And then the second purpose is just to see how brand images of consumer products are playing out there, how they're being used. Are they popular? Where are they popular? It's really a marketing and branding effectiveness kind of usage of the technology. So that's the content identification panel. It should be very interesting.

- Q: Well, I agree. And I think what's interesting about these kinds of technologies is that they are used in some instances for protection of the copy, of the material rather, and the copyright itself, but also used in those ways you just described. For marketing, for research, for just kind of getting a better understanding of the relationship with the customer, with the consumer.
- A: Yeah, and it's a very good point, Chris. By the way, before I forget, I want to make sure that your listeners know that Copyright Clearance Center is a sponsor of Copyright and Technology 2011. We are very happy to have the CCC involved and we're happy to have Chris on the program as a moderator and Fred Haber, the general council of CCC, as a panelist. And so I want to just express our gratitude to CCC for their involvement in making this conference what we hope will be a success.
- Q: We do too. And what I think attracted everybody was the collection of great people you've got on the conference here. You mentioned Civilution, the CEO, Alex Terpstra, will be speaking. You've got as well chief technology officer for Verimatrix, Petr Peterka, I've met him and he's a very well spoken person. You've got a whole track as well, not only on the technology side, I think this is the other part that was of interest to people at Copyright Clearance Center, is there's this law and policy track. So we're not just talking about bits and bytes here. We're talking about how all of this is getting shaped in the business world as it filters its way through the courts and apart from the program that I'll be moderating, which is on the Google book settlement, and looking forward to that, we've got James Grimmelmann from New York Law School joining us. I met him earlier this week and we chatted about where things stand with the case and what his expectations are for the future. A fascinating man and someone who's been a very important voice in that discussion.
- A: Well, James Grimmelmann, in addition to having an opinion and a perspective on the Google book settlement, which is a huge – it could have fundamental impact on the book publishing industry, depending on the way it goes. James is a walking encyclopedia of that case. He maintains a blog that tracks and monitors what's



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going on with that case and if there's any one individual other than the chief lawyers from the two teams who are negotiating the settlement or the judge in the case, Judge Chin, here in New York, who knows all about this, it's James Grimmelmann. So he's really as close as you get to the horse's mouth and he has his own opinions on it, but he's not one of the lawyers obviously litigating the case. So it's great to have him.

In general, with the legal panel, first of all, we offer CLE credit in New York State for the legal panels and we work with our partners at the law firm of Frankfurt Kurnit Klein & Selz who do the CLE hoop jumping and bureaucracy that you need to engage in to get approval from the New York State Bar Association, but our intent with these panels, in addition to these topics being fascinating in and of themselves, is in this field, which I've worked in for God knows how many years, since the mid-90s, let's say, there have really been sort of two camps. The engineers and the lawyers. And as they say, nare the twain shall meet. The engineers often don't understand the legal perspective and vice versa. The lawyers often don't understand the technologies that are involved and you see this sort of impedance mismatch, if you will, play out in debates over policy and law that go on in litigations as well as inside the Beltway when you're talking about policy and legislation.

And so part of what we're trying to do with copyright and technology is to bring the two sides together and kind of force them to interact with one another and to learn from one another so that – and for example, last year we had a legal panel on what we call progressive response, which is sometimes referred to as three strikes, you're out, which has been enacted in certain European countries and elsewhere. Asia Pacific. Where if you're caught uploading illegal materials to the internet, then you get a warning and then you get a stronger warning and then the stakes get higher and higher until theoretically your internet account could be suspended.

And we were debating this, and there was a guy from a Washington DC advocacy organization, which I won't call by name, to avoid embarrassment. The guy just absolutely had no idea what was going on in the real world. All he was aware of is the various positions being taken by other lobbying organizations and by Congress and what we were able to do in the debate, in the ensuing debate, was to educate these people on what's actually going on in the real world. Does this stuff work? This technology that they're pinning their hopes on. What's it good for? What's it not good for? Who's using it? Who's tried it and rejected it and how well is it working and so forth? And these are the kind of discussions that I think are unique to our conference as opposed to conferences like Digital Hollywood and other conferences that touch on similar subject matter.

Q: Well, we're talking to Bill Rosenblatt, who is program chair for the upcoming Copyright and Technology 2011 Conference coming to New York City on



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November 30th at the Manhattan Penthouse and he's also president of GiantSteps Media, and I suppose finally, Bill, we can start at the beginning. You've got a keynote here from Tom Rubin, who is the chief council for Intellectual Property Strategy at Microsoft. Any idea of what you expect to hear from Tom?

- A: Yeah. I am so thrilled to have been able to land Tom as the keynote speaker. He was my far and away first choice. Last year we were supposed to have Mike Fricklas, the general council of Viacom and he had to cancel at the last minute because he's involved in this large litigation – large is an understatement – with Google. And the judge in the case was about to render some rejudgement. So it was a better excuse than my dog ate it, but he sent one of his deputies, a guy named Stanley Pierre-Louis, who's a great speaker. This year, we have Tom Rubin. Tom is the chief sort of intellectual property brain at Microsoft and I've seen him speak, I've been on panels with him. Tom is absolutely unique in the industry because he's extremely knowledgeable on the issues.

He's a lawyer by background obviously, but he works for a company that is not only a technology leader, but an admitted producer of lots and lots of intellectual property that they want to protect. They produce lots of commercial software, of course. Windows, Office, etc, etc. Not to mention their mobile operating system and all the games and all the other stuff that they do, and they believe in protecting intellectual property and so they feel very strongly that intellectual property is worth protecting, even though as a technology company, sometimes it's the harder way to go technically. It's easier not to bother with intellectual property protection with copyright protections. It's easier just to throw bits out there and there are a lot of companies that make their businesses based on just throwing bits around the internet and so forth and so he's very principled and very consistent on this issue and as such, he really acts as a bridge.

As they used to say, a uniter, not a divider between the two camps of the Silicon Valley crowd who want all information to be free and to just spread all the content around and the media industry that wants to protect their copyrights, and so he's a vociferous advocate for balance. A balanced approach to technological development without hindrance on the one hand, and on the other hand, strong protections for content creators and for intellectual property, and he's a great, very engaging speaker and I'm really looking forward to his remarks at the conference.

- Q: Well, Tom Rubin, who is again the chief council for Intellectual Property Strategy at Microsoft opens up the program with the keynote address. He'll be addressing the upcoming Copyright and Technology Conference that comes to the Manhattan Penthouse in New York City on November 30th and we've been talking about the conference with the organizer and program chair, Bill Rosenblatt, who is president of GiantSteps Media. And Bill, thanks for joining us again on Beyond the Book.



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A: Thank you so much for having me on the program.

Q: Well, we look forward to seeing you down in New York. Beyond the Book is produced by Copyright Clearance Center, a global rights broker for the world's most sought after materials, including millions of books and ebooks, journals, newspapers, magazines, and blogs. You can follow Beyond the Book on Twitter, like Beyond the Book on Facebook, and subscribe to the free podcast series on iTunes or at our website, copyright.com/beyondthebook. Our engineer is Jeremy Brieske of Burst Marketing. My name is Christopher Kenneally. For all of us at Copyright Clearance Center, thanks for listening to Beyond the Book.

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