

Rewarding the Clueless

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Today, Alcatel-Lucent announced that U.S. patent 6839436 has received a 2007 Thomas Alva Edison Award from the Research and Development Council of New Jersey.

Setting aside the absurdity of a patent winning an award rather than a person or organization winning the award for inventing what is described in the patent, this award represents a continuing mistake which has been threatening the health and viability of the global culture made possible in recent decades.

The 2005 patent, Method for providing long-lived broadcast encryption describes a digital rights management scheme. DRM is built on the assumption that some material such as a television program can be broadcast in an encrypted form such that only those who have been authorized to view the program can decypher it while also making the key required for decyphering the material available to those who would do such nefarious deeds as watching the program at a more convenient time. The DRM scheme should allow authorized viewing while disallowing unauthorized viewing and is analogous to providing a burglar with a key to your house and requesting that he please not use it.

The press release demonstrates just how clueless everybody involved is:

The socio-economic impact of unsecured broadcast transmissions is significant, and could range from loss of revenue to the content providers from pirated broadcasts, to business interruptions at companies that use this media as a common business communications tool, or social disruptions as hackers and pirates find ways to hijack the broadcasts and span, phish or otherwise prey upon end users with falsified or harmful transmissions.

Wow. What planet are these people from? Let's look at these claims one by one.

Loss of revenue to content providers from pirated broadcasts seems reasonable on the surface despite multiple studies that have concluded such losses are fictional. However, does DRM prevent more losses than it creates? DRM is not good for the consumer, and people are starting to realize it. The arbitrary disabling of videos purchased from Major League Baseball is just one example. If I am buying something, I want reasonable assurance that it will continue to work over a reasonable expected life time. With DRM, there is no such assurance. The continued availability of a product you've paid for is at the whim of another.

DRM schemes, once implemented, tend to be more fragile than unsecured transmissions. Early adopters of digital television know the hazards of these secure devices plagued by incompatibilities and flaky performance. Broadcast DRM is poorly suited to business communications and would likely cause an increase in business interruptions among those foolish enough to implement it.

To see social disruptions from hijacked broadcasts there is little need to speculate. Unsecured broadcasts in the form of radio and television have been around for a long time. When was the last time you saw a pirate television broadcast? With radio, this is a bit more common, but these unlicensed broadcasts have traditionally been used to play music or advance an ideological agenda. This is a far cry from spamming, phishing, and fooling listeners.

The argument for DRM is absurd. It is a waste of money for content providers, a disservice to consumers, and in the long term (which in some cases is not that long) it doesn't even work. It has attracted such marvels of legislation as the Digital Millennium Copyright Act which allows one to decrypt materials one is authorized to decrypt while prohibiting the production of the tool required to perform that decryption.

Let's not even mention the public domain.