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Blurring Lines: eBooks and DRM

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A Legitimate Defense of Author Rights, Or a Publisher-Imposed Impediment in Defense of a Troubled Business Model

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Those who know me as the founder of **Business Expert Press** know that I have been on a long mission to make classroom material more affordable by creating products that lower cost through institutional ownership, versus individual student-pay-per-item. Simultaneously, I have long-held that there needs to be a profit motive behind the effort to bring high-quality learning content to the institution for broad distribution. I am an outspoken advocate of open access and unrestricted access, but I do not believe non-profit and altruistic efforts will deliver widely available, high quality learning resource solutions that will supplant the current crop of materials professors are assigning to students for learning. We have only scratched the surface of possible business models to support open access; but that is for another column … In this column I will explore where I feel the publishers' and the authors' interests diverge as concerns digital rights management (DRM).

Most recently I have come to question one of the fundamental pillars of the DRM argument that I previously found somewhat unassailable: That is the defense of author rights against the unlawful sharing of the author's intellectual property. To be sure, this argument dovetails almost too perfectly with the publisher's defense of its business model; which is rooted in the days of print-only sales. But there has always been a compelling secondary, author-centric strain of this argument that is fundamental to our collective conception of the right of the creator to control the destiny of the content. Irrespective of the publisher's business model, the author maintains the right to determine when, where and how her content is made available to the reading world. But the practical impact of illegal file sharing and eBook piracy for scholarly and learning content has proven less salient than in digital entertainment media: music and film. Publishers do a good job of rooting out pirated versions, and the overall demand for the content does not support a thriving marketplace for illegal file sharing beyond relatively small clusters of students.

Setting aside the question of piracy and illegal file sharing, two points have been troubling me about the argument in favor of DRM that I think authors, in particular, need to think more about:

1) The eBook reader platform the author's work is "protected" on is severely restricting the ability of the knowledge-creating community to "get social" with the content — and "getting social" with the content is the best way to multiply the impact and potential of the knowledge created; and

2) why haven't pricing models within the DRM-regime emerged that expand the effec-tive consumer-base of the knowledge? Prices seem locked to the historical print price and have evolved without much consideration for the potential digital uses.

Tony Sanfillippo of **Penn State Press** captured the early days of eBook sales quite accurately when he stated, "The original players, **ebrary** and **EBSCO**, were only able to recruit paranoid publishers with the promise of thoroughly locked-down content." To soften the blow of the "lock-down," the big players introduced eBook readers that offered features including: virtual, personal bookshelves, highlighting, note taking, citation exporting, etc. Each aggregator and publisher that opted for a proprietary platform introduced new eBook reader features and extolled the virtues of these features with authors, librarians, students and faculty. Elsewhere I have written of what I call "platform weariness" amongst librarians managing this field of platforms and eBook reader features. But have authors considered what these multiple platforms and varied eBook readers mean for the potential knowledge expansion and transfer their work is intended to encourage? If scholarly comment and annotation is locked inside an eBook platform, it cannot be easily discovered in the way information is normally discovered through a growing network of open forums or through workflows where the author has a digital identifier. To be sure, much of the highlighting and annotation readers make to eBooks in personalized versions on a virtual bookshelf is for study or purely personal use, but where does one draw the line? Can we feel confident that meaningful observations and possible extensions of knowledge are not being trapped inside an array of discrete eBook platforms? If the only digital version of an eBook is a version protected inside an eBook reader platform, discovery of the annotations and conversations within that platform will be limited.

Steven Harris of the **University of Nevada Reno** was recently quoted as saying, "Ideally, we would live in a world where I can get any publishers' content on the platform that I like at a price I can afford." The single largest impediment to this vison is the legacy print price of the book and the relationship of this price to the eBook pricing models established. To be sure, librarians and readers have been complicit in this "pricing failure," as they have moved almost lock-step with publishers in expecting a relationship between the print and the eBook price. But what if we were set free to envision eBook pricing independent of a legacy print business? Imagine a universal eBook platform where prices were set by a range of possible uses. An e-textbook for an introductory course in psychology, with hundreds of users, would be priced to reflect wide use. A scholarly reference on the antecedents of hybrid ethnicity in Central America would be priced to reflect the cost of bringing such a title to market and the long-term reference value to a small but important user base. And both examples would price in perpetual access and revising as needed. Of course print pricing captures potential uses to some degree, but it is inadequate to the digital landscape.

A universal eBook platform with pricing models unhinged from print pricing would have the dual benefit of opening up the dialogue around eBooks for scholarly and learning purposes to a wider world of social sharing and Web discovery. And it would encourage pricing based on demand and potential uses in a post-print world. Authors need to think in a more nuanced manner about how publishers and eBook platform providers are representing their interests beyond protecting against lost sales through DRM and dated pricing models.