

Digital Rights Management 2006

Understanding the legal and policy climate

29th – 30th March 2006 Crowne Plaza Darling Harbour, Sydney

PROGRAMME AT A GLANCE:

Day One – 29th March Practical Workshops

- A) Developing technology – a guide for lawyers
- B) Avoiding the privacy pitfalls

Day Two – 30th March Main conference sessions

- Digital Agenda Reform
- Update of the US-Australia FTA
- The global DRM context
- The Sony case and lessons for the future
- Privacy and consumer concerns
- Kazaa and key P2P decisions
- Models of DRM and issues of access

SPEAKER FACULTY INCLUDES

David Vaile, Executive Director,
Cyberspace Law and Policy Centre, **UNSW**

Michael Bradley, Managing Partner, **Gadens Lawyers**

Tom Cochrane, Deputy Vice-Chancellor
(Technology, Information and Learning Support)
Queensland University of Technology,
Director, **Australian Digital Alliance**
and co-leader of the **Creative Commons project**

Michael Fraser, CEO, **Copyright Agency**

Michael Williams, Partner, **Gilbert + Tobin**

Dale Clapperton, Vice-Chair,
Electronic Frontiers Australia



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A Developing Technologies : a guide for lawyers

Digital Rights Management: From iTunes to the Law Firm

Digital Rights Management (DRM) is the foundation on which the digital entertainment economy has been built. Digital Music, DVDs and Computer Games all use DRM to help copyright owners enforce their rights. The opportunity to use DRM technologies, however, is expanding to other markets and industries.

In establishing a successful DRM strategy, organisations need to understand the interplay between the capabilities of DRM technologies, intellectual property rights, licence terms and conditions and the status of DRM technologies (and circumvention technologies) under law.

This workshop will:

- review the DRM technologies in common use from a technical perspective
- discuss the legal framework for DRM and its implications in light of recent cases (including the Playstation Case: Sony v Stevens)
- outline the role of appropriate licence conditions for distribution of DRM protected content
- highlight recent developments and opportunities for applying DRM technologies in new industries, including the legal profession



The workshop will be led by **Andrew Perry, Director – Legal & Technology at legal.consult and President of the NSW Society for Computers and the Law.** Andrew has long enjoyed the challenge of providing legal advice in the dynamic technology and telecommunications industries while also developing e-commerce systems himself. In the 90's, Andrew founded a Hong Kong e-commerce consultancy MixedMedia Limited before returning to Australia to continue his legal career.

Before founding legal.consult as an innovative law firm and technology consultancy in 2005, Andrew was National Head of IP & Technology for a top 10 law firm. Andrew and his team now enjoy combining their legal, corporate affairs and e-commerce experience to provide clients with commercial solutions, not just legal advice.

See www.legalconsult.com.au

*8.30 Registration 9.00 Workshop begins 10.30 Morning tea
12.30 Workshop closes and lunch for those attending both Workshop A and B*

B Avoiding The Privacy Pitfalls: Managing Privacy, Managing DRM

A hands-on workshop for content creators, publishers and custodians such as schools, corporations, libraries, ISPs and government agencies. It emphasises the practicalities of managing privacy in the global 'copyright wars'.

Discussion, case studies and guidelines will cover questions such as -

- what happens when I get the nastygram from Hollywood?
- network administration is for people, privacy is for lawyers?
- what can I know about users of my IP (and what can I tell)?
- what are the privacy challenges in mining, selling and buying IP consumer data?
- can I manage when my overseas partner uses different privacy rules?



Facilitated by **Bruce Arnold of Caslon Analytics**

Caslon Analytics advises business and government in Australia and overseas about the digital environment - technologies, regulation, economics. It is known for its independent analysis of online privacy and electronic markets.

Bruce Arnold has written widely about privacy and digital copyright, is the author of forthcoming books on dot-au, and has advised a range of governments about digital content management.

See www.caslon.com.au

1:30 Workshop begins 3:30 Afternoon tea 5:00 Workshop closes

Management

30th March Main conference sessions

8.30 Coffee and registration

9.15 Chair's opening comments

Lynne Peach, Senior Associate
Mallesons Stephen Jacques

9.30 Keynote Address: Digital Agenda Reform – Australian legislative developments

- Completion of the Digital Agenda and Fair Use Reviews
- What will this mean to the law?

Gabrielle Mackey, Principal Legal Officer,
New Technologies Section, Copyright Law Branch,
Attorney-Generals Department

10.05 Update on Australian – US FTA and the implications for copyright

- Developments so far
- What changes may be proposed?
- Change to technology protection measures due by 2007

Karen Gettens, Senior Associate,
Blake Dawson Waldron

10.40 The Global DRM Context

- DRM and the conflict over the copyright balance
- Different models or systems of DRM: usability, simplicity?
- US and European cases, legislation, WIPO/finalising Broadcasting Treaty
- Implications for the future of DRM in Australia

David Vaile, Executive Director, Cyberspace Law and Policy Center, Faculty of Law, UNSW

11.15 Morning coffee

11.40 Sony v Stevens – what happened and what are the lessons for future cases?

- Principles determined by the case
- How amendments to the Copyright Act affect the outcome
- Recent cases

Michael Bradley, Managing Partner,
Gadens Lawyers

12.20 ROUND TABLE DISCUSSION: Privacy and consumer concerns

- What rights should current and future users have?
- What is the line between IP and PI?

Tom Cochrane, Deputy Vice-Chancellor
(Technology, Information and Learning Support)
Queensland University of Technology,
Director, Australian Digital Alliance
and co-leader of the Creative Commons project
Professor Jill McKeough, Dean, Faculty of Law, UTS

1.00 Luncheon

2.00 What do recent cases indicate for the future?

- The Kazaa decision
 - Implications for P2P networks and distribution
 - Internet copyright infringement and the Cooper case
 - How will new technologies affect developing law
- Michael Williams, Partner, Gilbert + Tobin

2.35 PANEL DISCUSSION: Policy, DRM and access

- Rights management developments
- Should there be free or relaxed access?
- The impact of TPM, Fair Use and other policy developments

Michael Fraser, CEO, Copyright Agency

Andrew Perry, President,
NSW Society for Computers and the Law

Dale Clapperton, Vice-Chair,
Electronic Frontiers Australia

David Vaile, Executive Director, Cyberspace Law and Policy Centre, Faculty of Law, UNSW

Peter L. Higgs, Senior Research Fellow, Creative Industries Research and Applications Centre (CIRAC)
Queensland University of Technology

3.15 Afternoon tea

3.30 The patent aspect of DRM

John Dower, Partner
Freehills Patent & Trade Mark Attorneys

4.05 Legal Risks for DRM Implementation

- What kind of civil liability, criminal liability and regulatory risks arise for DRM implementers?
- Recent developments in the legal risks for DRM implementations
- Managing and mitigating these risks

Ian Oi, Partner, Corrs Chambers Westgarth

4.40 Chair's comments and close of conference

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