More lost than before on the DRM issue

written by Holly
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By Holly Lisle

The DRM discussion turned out to be far more depressing than I had anticipated.



I used to buy print books I really wanted in hardcover, then buy a paperback “reader’s copy” of those I wanted to reread so that I wouldn’t screw up my hardcover. I did this when I was making $99/week, and having to pay for my used Chevy Vega out of that income.

I bought copies of print books I especially liked for friends. I didn’t loan them, because I discovered early on that other people don’t treat their books as well as I treat mine.

Nowadays, unless I have to have the book for work, I don’t by print books anymore, because they’re a pain in the ass to read and to store. I don’t have room for print in the tiny place where we live.

So I buy e-books.

I buy books because I want the content, and have never

quibbled about DRM content, or resented it, or had a problem with it. I read it on the device I bought it for (primarily the Kindle), and have treated additional copies for other e-readers (my iPhone/iPad and an early Sony e-reader) the way I treated hardcover/paperback. If I wanted the book on the other reader, I bought another copy. If I valued the book enough to want it in two places, I paid for it in two places.

I do not want what I have not earned. I do without a lot of things because I cannot afford them: this has always been true (though much more when I was younger).

So to have my readers tell me that many people they know consider the use of DRM as **justification** for stealing a copy, that people consider not liking the company that published the books as **justification** for stealing a copy, and that people consider a price higher than what they consider "reasonable" **justification** for stealing a copy, is heartbreaking.

There is no justification for theft in a free society.

If you don't want to pay for the work in the format in which it is presented, do without.

To have some of the folks who read my work say to me, "If you release your work with DRM, I won't buy it," leads me to offer the following reply: **I'm still considering releasing my work DRM-free, but if I do, do me a favor and don't buy it anyway. If you think that threatening me by withholding your money—attempting to blackmail me economically—is appropriate action, you're not anyone I want to know or help.**

Here's what's sad.

I asked yesterday's questions because I was looking for good reasons to quit using DRM. I WANTED to go DRM-free.

And to that end, I found two good reasons to offer my work without digital rights management.

1. I did not realize that some companies that offered DRM have already gone out of business, leaving readers stranded. That sucks, and I don't want to be a part of that.

2. Some people read across many multiples of devices **for their own personal use**, and want to be able to to that without purchasing multiple copies, and I have no problem with this.

Both of those reasons make me want to release my work DRM-free.

But frankly, nowhere near as much as I did before I read all these replies.

I don't want to hurt the people who legitimately buy my work by leaving them stranded with copies that they can no longer use, or requiring them to buy many copies to use across their own devices.

But I deeply dislike attitudes of entitlement that have been brought to light by readers reporting the activities of people they know who feel justified in their theft of works that don't fit their arbitrary criteria of "not deserving of my money." Or who feel justified in "sharing" (violating copyright) works with people who may then "share" them (violate copyright) further.

I find the following quote from this reply particularly chilling:

> *We all know the big problem with REMOVING DRM. Quite simply, then, there is no hindrance whatsoever to the illicit copying*

*and distribution. Is DRM a *major* hindrance to the truly nefarious? No. But none is no hindrance to (what seems to be) a generation of young people with absolutely ZERO respect for IP. The discussion that "pirates will steal it and not pay for it, anyway," even when people think they mean it, has no bearing on the CASUAL theft of easy-to-lift items.*

It's demonstrable that making books easier to steal doesn't make them stolen less; they are stolen MORE.

*Moreover, the same ardent anti-DRM protestor, who will defend to the death his position that what he stole (excuse, me, "pirated") had no value, will go dead silent if you ask him if he'd walk into a bookstore and shoplift the self-same book. His answer, unspoken, is "of course he wouldn't," because he'd be PROSECUTED. He knows damn well that the "value" is the same; his entire "I'm entitled to this" argument has been blown out of the water; it's that he has no fear of prosecution that allows him to steal the digital versions. So even amongst the hard-core, the deterrence factor has *some* effect.*

Where am I going with this part? A client of mine, who wrote YA fiction. Who had a girl who liked his books, who told her boyfriend just how much she wanted to "gift" a copy to HER friend. (This was a whopping $0.99 book, mind you). Well, the boyfriend, hero that he was, cracked it, and, teens being teens, 28,000 copies later—yes, 28,000—it was tracked down and stopped. And, of course, none of those brats will be prosecuted. Do you think that my client would LIKE to have his $0.35 a book for those 28,000 copies? Yeah, considering he was on the brink of losing his house—yes. Or even 1/3rd of it. Or even the tenth that MIGHT have paid for it—as it was merely a buck.

So how much is 25 years of my life and experience in writing, and the time I took to create a system to teach what I know to

others, worth? And how much is my right to my own intellectual property worth? That it can support my existence and allow me to create more works—if respected—matters to me.

To whom else does it matter enough that they will respect it and not share lessons with friends if I don't add DRM?

Or even if I do?

I spent the morning researching copyright law and laws regarding being in possession of stolen property, however, and whether I finally decide on DRM-free or DRM, will probably release all of my work from now on with the following notice inside:

> *Dear Reader,*
>
> *If you have purchased your copy of this work from a legal distribution site (http://HowToThinkSideways.com or sites listed here: [link pending]), thank you.*
>
> ***Please save your receipt.***
>
> ***Please do not copy and distribute this work**—making and distributing even one copy of any copyrighted work, even to a friend, puts you in violation of US and international copyright law, and makes you subject to injunctions, and liable for monetary damages and statutory damages which, depending upon your intent and the extent of the distribution of your copy, can range up to $300,000 US for non-criminal infringement, and up to $500,000 or a prison term of up to five years for criminal infringement **for a first offense**. Other countries have other penalties.*
>
> ***Distributing a copy of this work also makes your friend a recipient of stolen goods,** and in many states puts him at risk of felony charges even if he does not know the goods he has received are stolen.*
>
> *If you have not paid for the copy in your possession, or if*

you have purchased it from a site not listed on the following page…

[link pending]

…please be aware that you are in possession of stolen goods. Being knowingly in possession of stolen goods puts you at risk of prosecution with criminal penalties varying based on the state or country in which you live, but which in many cases include being charged with a felony, financial punishment, and imprisonment.

To protect yourself, you can either delete this copy or purchase a legal version at:

[link pending]

With your legal purchase, you will receive a receipt as proof of purchase.

For more on US copyright infringement, go here:
http://www.copyright.gov/title17/92chap5.html

For penalties and punishments in your country other than the US, use your favorite search engine to find ***penalties for copyright infringement [your country]****.*

For more on possession of stolen goods, go here:
http://en.wikipedia.org/wiki/Possession_of_stolen_goods

I hope you find this information helpful.
Holly Lisle

I had the first five lessons of HTTS set up unpublished on Amazon and B&N with DRM disabled. This discussion has increased my uncertainty regarding abandoning DRM, but whichever way I finally decide, this notice is, I think, going to be part of my eventual solution.

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