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AnchorDesk

DRM this, Sony!

By **Molly Wood**, section editor, CNET.com

Thursday, November 3, 2005

Updated November 10, 2005

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I hope this is the week that everyone in the world finds out what a [root kit](#) is. And I hope it's a week we look back on in amazement, as we consider just how far Sony was willing to go to criminalize consumers in its efforts to preserve control over its product. Because I believe this is the week that Sony



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effectively declared war on the consumer, announcing what most of us had already suspected: fair use is a joke in the movie and record industry, and the companies who control mass-market content will truly stop at nothing to protect their profits.

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We're not gonna take it

But let me start at the beginning. On Monday, October 31, alert users discovered that Sony BMG is using copy-protected CDs to surreptitiously install its digital rights management technology onto PCs. You don't have to be ripping the CD, either--just playing it from your CD-ROM drive triggers the installation. The software installs itself as a *root kit*, which is a set of tools commonly used to make certain files and processes undetectable, and they're the favored tool of crackers who are, as Wikipedia puts it, attempting to "maintain access to a system for malicious purposes." In fact, root kits are often [classified alongside Trojan horses](#). And Mark Russinovich, who created a root-kit detection utility and was one of the first to blog about the Sony intrusion, discovered another little gem when he tried to remove the DRM drivers. It [broke his computer--disabling his CD drive](#).

So, let's make this a bit more explicit. You buy a CD. You put the CD into your PC in order to enjoy your music. Sony grabs this opportunity to sneak into your house like a virus and set up camp, and it leaves the backdoor open so that Sony or any other enterprising intruder can follow and have the run of the place. If you try to kick Sony out, it trashes the place.

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So, I think we all agree that this is pretty bad, right? Tell it!

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And what does this software do once it's on your PC? It enacts [unbelievably restrictive DRM](#), including possible incompatibility with computer CD-ROM players, DVD players, and car CD stereos. And in a deep-dive into the Sony end-user license agreement, the Electronic Frontier Foundation [found some astonishing fine print](#). For example, if you lose the original CD or it's stolen, you lose the right to any digital copies you've made. You can't keep your music on computers at work. You must delete your songs if you move out of the country or *if you file for bankruptcy*. The list goes on and on. As for the artists whose names have been sullied by their association with the root kit, it seems that at least some of them [didn't give permission](#) to Sony to use the backdoor DRM technology and want no part of it.

Happily, and despite the use of scary words like *root kit*, this

story hit the Web in a big way. The PR for Sony is, shall we say, not good. On Wednesday, November 2, Sony had announced that it would, in conjunction with the company that developed the root-kit plan in the first place ([First4Internet](#)) [release a patch](#) to antivirus companies so that hackers wouldn't, hopefully, be able to take advantage of the backdoor they just opened on your property. But the patch only *reveals* the the antipiracy software, it doesn't uninstall it. And of course, it leaves the insanely draconian copy protection cheerily intact. If you want to remove the software, you must beg Sony for an uninstall link. CNET's [Brian Cooley](#) reports that he received the link via e-mail, but that running the uninstall gave him an error. Visiting the support site to request help with the error, Cooley was sent to a form whose first field asks which country you're from. Neither USA nor North America are options. That's not trying very hard to fix the problem.

Actually, Sony's response to the mess it caused is almost as bad as the mess itself. The company continued to insist, despite [growing evidence to the contrary](#), that its components [weren't harmful in the first place](#). And in fact, the president of Sony BMG's global digital business division, Thomas Hesse, [told National Public Radio](#) that most people don't know what a rootkit is, so they *shouldn't care* that it had been secretly installed on their PCs. Mr. Hesse, they care. And they should start caring a whole lot more--on November 10, BitDefender uncovered the [first Trojan horse](#) (but possibly not the last) that takes advantage of the unpatched DRM technology to open a backdoor on a Windows PC. So, if you're the recipient of the rootkit and you haven't yet received a patch, Sony has officially endangered your PC.


No, we ain't gonna take it

This is an unacceptable development in digital rights enforcement. I don't know how to put this any more clearly. Don't get me wrong--we've long since crossed [the line](#) of [DRM insanity](#). But this--using the tactics of criminals to invade our PCs without our knowledge and to expose us to further attack, just so you can keep us from, say, burning a mix CD and giving it to our friends--this is beyond the pale.

And as many news sources are beginning to point out, there's some reason to think [it might also be illegal](#), under the U.S. Computer Fraud and Abuse Act. As of this writing, two class-action suits had been filed against Sony BMG over the root kit--one in Italy, and [one in California](#). I'm quite sure that won't be the end of it.

We're not gonna take it...anymore

Companies: You will never get the increasingly technology-

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aware, mass media-consuming populace to support your right to copy protection or digital rights management unless they are on *your* side. And because we are increasingly technology aware, your ever-increasing assault on not only our fair use but also our common sense will virtually guarantee that we use our God-given ingenuity to find a way around whatever bizarre restrictions you see fit to impose. Why? Not because we're dying to break the law, but because you have sold us *a crappy product*, and, fundamentally, because it is *not our responsibility to protect your profits*.

What's the solution? In the near term, for us, it's not to buy any Sony CDs, and maybe not any Sony anything. In the longer term, it's to start agitating for a rewrite of copyright law in the manner so eloquently suggested recently by [Walt Mossberg of the Wall Street Journal](#). He suggests copyright law with actual teeth that can chomp on massive-scale piracy, but with broad exemptions for personal use, because excessive DRM is hampering innovation and alienating consumers. I couldn't put it any better. And companies? Sony? Are you really going to tell us that overhauling these outmoded rules is harder and more destructive than [suing retirees over honest mistakes](#) made by their 12-year-old grandsons? *This* is the path you're going to choose?

I'm truly sorry that there are, out there in the world, mass-production piracy operations that are digging into your bottom line, but you know what? I'm not one of them. Neither are most of the people who will be laboring under the nasty little flags, Trojan horses, and FairPlay/Plays For Sure doublespeak that you see fit to slap on the stuff we legitimately purchased.

And you know who's *not* going to labor under those restrictions? You know who's not even going to notice? The mass-production piracy operations, that's who. You know it, and I know it. So why are you engaged in this nickel-and-dime, small-time thrust-and-parry with me and my friends? Trust me, you're not going to make back the money by dropping viruses onto my PC, because my almighty dollar and I are going elsewhere--and you're probably not going to like where I end up.

Technology will march on. Technology is the reason we're in this fix in the first place, and technology will keep on giving us solutions to whatever irritating, invasive, and potentially illegal roadblocks you keep throwing in our path. And damned if we and our almighty dollars, no matter how long it takes, don't eventually win these little wars.

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