



An open letter to the W3C Director, CEO, team and membership

BY CORY DOCTOROW | SEPTEMBER 18, 2017

Dear Jeff, Tim, and colleagues,

In 2013, EFF was disappointed to learn that the W3C had taken on the project of standardizing “Encrypted Media Extensions,” an API whose sole function was to provide a first-class role for DRM within the Web browser ecosystem. By doing so, the organization offered the use of its patent pool, its staff support, and its moral authority to the idea that browsers can and should be designed to cede control over key aspects from users to remote parties.

When it became clear, following [our formal objection](#), that the W3C’s largest corporate members and leadership were wedded to this project despite strong discontent from within the W3C membership and staff, their [most important partners](#), and [other supporters](#) of the open Web, we proposed a compromise. We agreed to stand down regarding the EME standard, provided that the W3C extend its existing IPR policies to deter members from using DRM laws in connection with the EME (such as Section 1201 of the US Digital Millennium Copyright Act or European national implementations of Article 6 of the EUCD) except in combination with another cause of action.

This covenant would allow the W3C’s large corporate members to enforce their copyrights. Indeed, it kept intact every legal right to which entertainment companies, DRM vendors, and their business partners can otherwise lay claim. The compromise merely restricted their ability to use the W3C’s DRM to shut down legitimate activities, like research and modifications, that required circumvention of DRM. It would signal to the world that the W3C wanted to make a difference in how DRM was enforced: that it would use its authority to draw a line between the acceptability of DRM as an optional technology, as opposed to an excuse to undermine legitimate research and innovation.

More directly, such a covenant would have helped protect the key stakeholders, present and future, who both depend on the openness of the Web, and who actively work to protect its safety and universality. It would offer some legal clarity for those who bypass DRM to engage in security research to find defects that would endanger billions of web users; or who automate the creation of enhanced, accessible video for people with disabilities; or who archive the Web for posterity. It would help protect new market entrants intent on creating competitive, innovative products, unimagined by the vendors locking down web video.

Despite the support of W3C members from many sectors, the leadership of the W3C rejected this compromise. The W3C leadership countered with proposals — like the chartering of a nonbinding discussion group on the policy questions that was not scheduled to report in until long after the EME ship had sailed — that would have still left researchers, governments, archives, security experts unprotected.

The W3C is a body that ostensibly operates on consensus. Nevertheless, as the coalition in support of a DRM compromise grew and grew — and the large corporate members continued to reject any meaningful compromise — the W3C leadership persisted in treating EME as topic that could be decided by one side of the debate. In essence, a core of EME proponents was able to impose its will on the Consortium, over the wishes of a sizeable group of objectors — and every person who uses the web. The Director decided to personally override every single objection raised by the members, articulating several benefits that EME offered over the DRM that HTML5 had made impossible.

But those very benefits (such as improvements to accessibility and privacy) depend on the public being able to exercise rights they lose under DRM law — which meant that without the compromise the Director was overriding, none of those benefits could be realized, either. That rejection prompted the first appeal against the Director in W3C history.

In our campaigning on this issue, we have spoken to many, many members’ representatives who privately confided their belief that the EME was a terrible idea (generally they used stronger language) and their sincere desire that their employer wasn’t on the wrong side of this issue. This is unsurprising. You have to search long and hard to find an independent technologist who believes that DRM is possible, let alone a good idea. Yet, somewhere along the way, the business values of those outside the web got important enough, and the values of technologists who built it got disposable enough, that even the wise elders who make our standards voted for something they know to be a fool’s errand.

We believe they will regret that choice. Today, the W3C bequeaths an legally unauditable attack-surface to browsers used by billions of people. They give media companies the power to sue or intimidate away those who might re-purpose video for people with disabilities. They side against the archivists who are scrambling to preserve the public record of our era. The W3C process has been abused by companies that made their fortunes by upsetting the established order, and now, thanks to EME, they’ll be able to ensure no one ever subjects them to the same innovative pressures.

So we’ll keep fighting to fight to keep the web free and open. We’ll keep suing the US government to overturn the laws that make DRM so toxic, and we’ll keep bringing that fight to the world’s legislatures that are being misled by the US Trade Representative to instigate local equivalents to America’s legal mistakes.

We will renew our work to battle the media companies that fail to adapt videos for accessibility purposes, even though the W3C squandered the perfect moment to exact a promise to protect those who are doing that work for them.

We will defend those who are put in harm’s way for blowing the whistle on defects in EME implementations.

It is a tragedy that we will be doing that without our friends at the W3C, and with the world believing that the pioneers and creators of the web no longer care about these matters.

Effective today, EFF is resigning from the W3C.

Thank you,

Cory Doctorow
Advisory Committee Representative to the W3C for the Electronic Frontier Foundation

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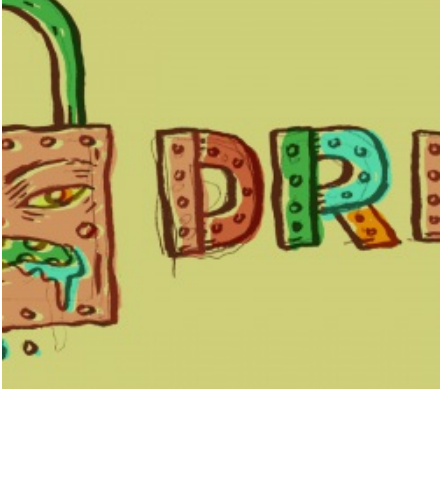
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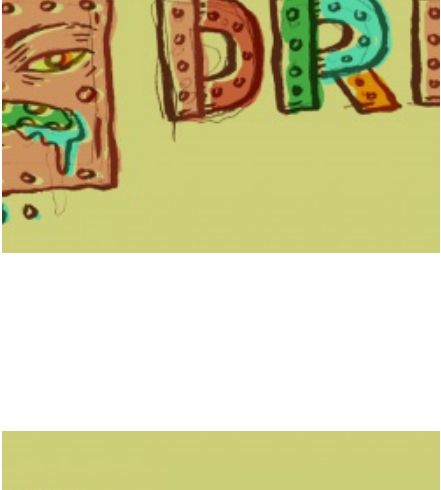
Librarians Call on W3C to Rethink its Support for DRM

The International Federation of Library Associations and Institutions (IFLA) has called on the World Wide Web Consortium (W3C) to [reconsider its decision to incorporate digital locks into official HTML standards](#). Last week, W3C announced its decision to publish Encrypted Media Extensions (EME)—a standard for applying locks to web video—in...
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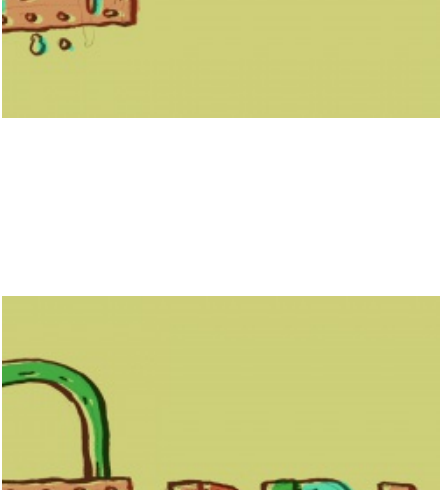
Net Neutrality Won't Save Us if DRM is Baked Into the Web

Yesterday's [record-smashing Net Neutrality day of action](#) showed that the Internet's users care about an open playing field and don't want a handful of companies to decide what we can and can't do online. Today, we should also think about *other* ways in which small numbers of companies, including...
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BY CORY DOCTOROW | JULY 12, 2017


Notice to the W3C of EFF's appeal of the Director's decision on EME

Dear Tim, Jeff, and W3C colleagues, On behalf of the Electronic Frontier Foundation, I would like to formally submit our request for an appeal of the Director's decision to publish Encrypted Media Extensions as a W3C Recommendation, [announced on 6 July 2017](#). The grounds for this appeal are that...
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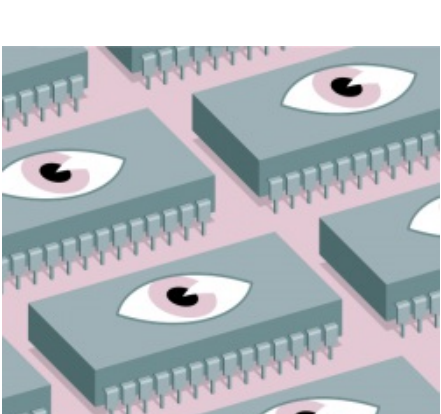
New Research Estimates Value of Removing DRM Locks

Note: We've been in touch with a group of economists at the University of Glasgow who are investigating the market value on interoperability. Just in time for "Day Against DRM," here are some of their initial conclusions. My co-authors and I at the University of Glasgow are investigating how restrictions...
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BY CORY DOCTOROW | JULY 6, 2017


Amid Unprecedented Controversy, W3C Greenlights DRM for the Web

Early today, the World Wide Web Consortium (W3C) standards body [publicly announced](#) its intention to publish Encrypted Media Extensions (EME)—a DRM standard for web video—with no safeguards whatsoever for accessibility, security research or competition, despite an unprecedented internal controversy among its staff and members over this issue. EME is...
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BY KERRY SHEEHAN | MAY 24, 2017


Book Review: The End of Ownership

In the digital age, a lot depends on whether we actually own our stuff, and who gets to decide that in the first place. In [The End of Ownership: Personal Property in the Digital Age](#), Aaron Perzanowski and Jason Schultz walk us through a detailed and highly readable...
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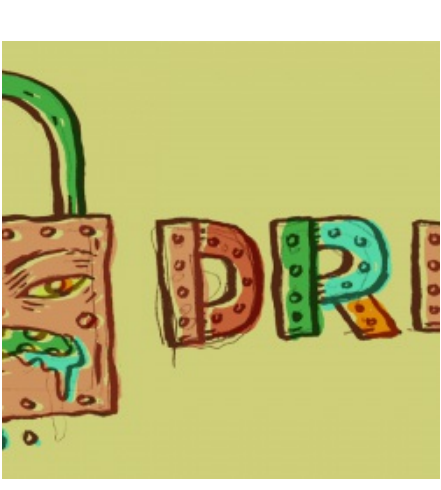
BY ERICA PORTNOY, PETER ECKERSLEY | MAY 8, 2017

Intel's Management Engine is a security hazard, and users need a way to disable it

Intel's CPUs have another Intel inside. Since 2008, most of Intel's [chipsets](#) have contained a tiny homunculus computer called the “Management Engine” (ME). The ME is a largely undocumented master controller for your CPU: it works with system firmware during boot and has direct access to system memory, the...
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EFF IN THE NEWS


It's happening! It's happening! W3C erects DRM as web standard

The World Wide Web Consortium has formally put forward highly controversial digital rights management as a new web standard. Dubbed Encrypted Media Extensions (EME), this anti-piracy mechanism was crafted by engineers from Google, Microsoft, and Netflix, and has been in development for some time. The DRM is supposed to thwart...
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BY CORY DOCTOROW | MARCH 3, 2017

What's up at the W3C: further reading for Reply All listeners

The [latest episode of the technology podcast Reply All](#) features an excellent summary of some of the issues with the World Wide Web Consortium's current project to create a standard for restricting the use of videos on the web; we've created this post for people who've just listened to...
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BY CORY DOCTOROW | FEBRUARY 1, 2017

Indefensible: The W3C says companies should get to decide when and how security researchers reveal defects in browsers

The World Wide Web Consortium has just signaled its intention to deliberately create legal jeopardy for security researchers who reveal defects in its members' products, unless the security researchers get the approval of its members prior to revealing the embarrassing mistakes those members have made in creating their products. It's...