



Meme-Making DVR

BY HUGH D'ANDRADE

The Supreme Court says that copyright requires “escape valves” like fair use to comply with the First Amendment, which guarantees freedom of expression. Fair use — and its non-US cousin, Fair Dealing — allows people to make new works from copyrighted materials without permission, especially when it comes to political speech that transforms a political message in order to criticize it. But once DRM is in the picture, your ability to exercise this key right — without which copyright itself is at odds with the Constitution — depends on permission from the people you want to criticize. The ability to bypass DRM is critical to squaring copyright with free expression.