The Supremacy of Techno-Governance: Privatization of Digital Content and Consumer Protection in the Globalized Information Society

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Abstract

The article aims to describe the role of technology and contract in regulating access to digital content deregulating intellectual property law monopoly. In particular it argues that the anti-circumvention provisions for technological protection measures and digital rights management systems enacted in the United States and in Europe compromise the consumer’s capacity to exercise legitimate rights, such as the private use exemption, by giving content owners extralegal protection for their works. It also analyses how these acts have caused an inappropriate delegation of governmental decision making to a non-governmental entity with a consequent privatization of the government’s role in protecting intellectual property and in setting technical standards for digital infrastructure and interoperability.

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