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Paranoia, stupidity and greed ganging up on the public

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Dear Reader:

If you are reading this column in the newspaper, but did not read every article and look at every advertisement in previous sections, stop now. You must go back and look at all of that material before continuing with this column.

If you are reading this column on the Web and did not go to the newspaper's home page first, stop now. Go to the home page and navigate through whatever sequence of links our page designers have created to reach this page, and don't you dare fail to look at the ads.

Ridiculous? Of course.

Tell that to the dinosaurs at some major media and entertainment

companies. They insist they have the right to tell you precisely how you may use their products. Consider:

- DVD movies have copyright notices at the beginning, but can disable the fast-forward feature of your DVD player while the notice is on the screen. Studios have also placed commercials at the start with the fast-forward disabled.
- Hollywood and the broadcast television cartel are going to war against the makers of hard-disk video recorders that allow you to skip past commercials. The head of Turner Broadcasting calls it ``theft" when you, the viewer, decline to watch the ads he wants you to view.
- A major newspaper (not this one) is telling people they may not post hyperlinks to pages on its site other than the home page. The paper says avoiding the home page lets viewers avoid home page advertising.

Chalk up these moves to a combination of paranoia, stupidity and greed. At least the paranoia is understandable.

The Digital Age is roiling traditional business models.

Technological change always has that effect, and industries

almost always fight revolutions before they adapt to them.

So it comes as no shock that the owners of information and entertainment are trying to protect their own potentially untenable business models. They've persuaded their legislative pets in Congress to pass ill-considered laws. They're busy erecting technological barriers to their customer's choice and well-being. Law and technology are combining to carve away your rights in favor of the owners' control.

Some law remains open to question. For example, the law is not settled when it comes to hyperlinking, though it's widely assumed that someone who posts a Web page is in effect inviting people to link to it. In the case of a newspaper, the notion of disallowing "deep linking" -- pointing to a specific article within the site -- is especially peculiar, since the person creating the link is sending customers to the newspaper.

Free referrals apparently don't satisfy the Dallas Morning News, a newspaper in the Belo media empire that has told a site in Dallas it may only link to the newspaper's home page. Here's a safe prediction: This will cost the paper most, if not all, of the traffic it was getting from third parties.

If the law turns out to support such restrictions, it will grossly diminish the Net's utility, not to mention its negative impact on free speech. Can Belo, which relies on the First Amendment to exist, really be this obtuse? Here's another prediction: The company's policy will be changed.

The law also is still somewhat unsettled when it comes to hard-disk video recorders, also known as personal video recorders or PVRs. But Hollywood is in attack mode against one of the most innovative home products in years, SonicBlue's Replay machine, and the entertainment industry's anger at these devices is growing.

Jamie Kellner, head of Turner Broadcasting, part of the AOL Time Warner conglomerate, told the newsweekly CableWorld that you are a thief if you use one of a PVR's best features -- skipping commercials.

``Your contract with the network when you get the show is you're going to watch the spots," he said. ``Otherwise you couldn't get the show on an ad-supported basis."

Whenever you fail to watch a commercial, he added, ``you're

actually stealing the programming."

It gets better. When the interviewer asked whether it's OK to go to the bathroom or get a soft drink out of the refrigerator, Kellner replied, `` I guess there's a certain amount of tolerance for going to the bathroom."

What a relief. At least AOL Time Warner doesn't believe we should be chained to the sofa when we watch one of its old movies.

The arrogance of these folks is most obvious in their DVD system. The entertainment cartel puts `` regional coding" on the disks, a system under which a DVD you buy in the United States won't work in a DVD player bought on other continents. Price fixing, anyone?

Software manipulation lets the cartel members disable controls on our DVD players, too. But the law says that if you do something to re-enable your controls, you might face civil or criminal charges. What a racket.

Come to think of it, maybe I should just stop complaining and join the control-freak party. Maybe I can figure out a way to force you to read my columns in full before you can go on to the next story

in the paper or on the Web site, even if you don't like what I've written.

You won't go along with that edict? Good for you. Now consider showing the same independence with the entertainment cartel -- and start by calling your representatives in Congress. The industry is convinced it owns Congress, but you're the one who votes.

Dan Gillmor's column appears each Sunday, Wednesday and Saturday.