

Tech

From Here to E-ternity What happens to your virtual things when you're gone?

By Katy Steinmetz

CONSUMERS ARE SPENDING AN UNPRECEDENTED amount buying things they will never actually touch. Shoppers shelled out an estimated \$4.5 billion last year for e-books and billions more for music, movies and other stuff that exists only on a computer or in the cloud. The benefits of this digital shift are enormous, but so are the unanswered questions. Among the biggest: As more of the things you buy, make and cherish cease to be tangible, what happens to them all when you die?

It's a problem lawmakers are just beginning to deal with—and one that grows in urgency as we move more and more of our lives into the digital realm. There's money at stake: a dedicated iTunes user could easily amass a collection worth \$5,000. But there are sentimental concerns too. By one estimate, nearly 600,000 U.S. Facebook users died last year, yet the rules governing what happens to all their photos, notes, messages, videos and other digital memories are muddled.

In legal parlance, our e-things are called digital assets. Problems arise when beliefs about what we or our survivors should be able to do with digital assets conflict with terms of service agreements, those novella-length contracts everyone approves and no one reads. Providers like Yahoo and Amazon often state that accounts are nontransferable or that what you "buy" is not technically sold to you, just licensed for your personal use.

Legislators are trying to bring some clarity to the high-tech confusion. Five states have laws intended to give executors easier access to certain digital assets, and lawmakers are crafting similar bills around the country. Companies like Facebook, wary of violating users' privacy even after they're gone, have resisted calls to release content. In Massachusetts, Google lobbied against a digital-assets bill. The matter may have to be settled in court. "The first big case on this issue will be a very interesting one," says attorney Katie Zulkoski, who worked on a digital-assets bill in Nebraska. "It's really unclear, and someone will test it."

In the meantime, the prospect of leaving your virtual goods to the grandkids remains a tricky proposition. "We won't ever own digital assets in the way we own tangible ones," says Rutgers law professor Greg Lastowka. User, beware.

	e-books	MUSIC
Accounts and Assets	Amazon's Kindle, Barnes & Noble's Nook, Apple's iBooks	Apple's iTunes, Amazon MP3
Why You Should Care	One in every four books sold in the U.S. is an e-book.	Boxes of treasured records have given way to folders of digital files. Some \$7.5 billion was spent at the iTunes store in Apple's 2012 fiscal year, much of it on music.
What the Rules Are	Amazon says Kindle books can be willed. But e-books are often licensed, not sold, so the legality of transferring them remains murky.	Apple says, "We do not have a policy to will or inherit an iTunes collection."
What You Can Do	Lawyers say leaving someone the physical device your e-books are on is a surer bet than relying on account access.	Buying music that is free of digital-rights management, a security technology that restricts use, will prevent some red tape.
Will It Change?	Maybe. E-book terms are decided by sellers and publishers. Pressure for clarity will likely mount as the value of our virtual collections grows.	Maybe. Lawyers say court cases could define the lines of ownership and the user's ability to bequeath music.



SOURCES: BOWKER MARKET RESEARCH; DIGITAL ENTERTAINMENT GROUP; PEW INTERNET & AMERICAN LIFE PROJECT