

Dear Federal Communications Commission:

As a consumer, let me be very frank about Proceeding 02-230 in regards to requiring a "Broadcast Flag" in DTV broadcasts and requiring hardware manufacturers to recognize this flag. I am totally against this idea for several reasons:

1. The cost of incorporating this into the hardware will not be borne by manufacturers alone; it will be passed down to consumers.
2. This Broadcast Flag will hinder my fair use of the media. I want to be able to personally do whatever I want with digital media, as long as it's consistent with current copyright and fair use laws & court precedents. Whether or not I can make a near-perfect or even a perfect copy of the digital media is irrelevant. That alone does not encourage piracy and using the "possible piracy" argument of digital media as a reason why this Broadcast Flag is necessary is really stupid. Let us face the simple truth here - piracy will occur regardless of any measure that you employ. The Broadcast Flag will not make it more difficult for pirates; rather it will limit the rights of law abiding consumers. The technology to record digitally should not be hindered in any way.
3. In addition, the Broadcast Flag will not be effective in preventing piracy. For proof of this, see the mods (modifications) that are available to defeat schemes such as region control for DVD's and playing copied games on the Sony Playstation. The difference here is that in the above examples, the industry or an individual manufacturer is employing these measures themselves. The government should not get involved in this. You are not slowing down the pirates at all, but just making it much more difficult for law abiding citizens.
4. Should this measure be adopted, there will be a backlash among consumers. Many normally law-abiding citizens will be disgusted with such governmental interference and kowtowing to Hollywood, the media companies, and rich powerful lobbies. They will take every opportunity to buy hardware that will not employ this measure, regardless of what the law says and believe me, the hardware will be available.

Ultimately, should Proceeding 02-230 be adopted by the FCC, it will not only prove to be ineffective in making any meaningful impact in piracy (which is its purported goal), it will also signal a rather alarming trend of governmental interference and regulations where none are needed.

Sincerely,

Phuoc Le