

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

By it's very design, the "broadcast flag" WILL interfere with consumers' ability to make copies of DTV content for personal use. The purpose of the "flag" is to alert the digital recording equipment that the flagged content should be limited in some way as far as recording and/or playback is concerned. The fact that the broadcasters can pick & choose what consumers may do with a particular piece of digital material could lead to unfair practices in the broadcasting arena, such as denying the right to record any/all content from a particular broadcaster, limiting the number of copies that can be made, or even limiting the number of times or the days and times that a particular program can be viewed. This effect can already be seen in the DVD arena: nearly all DVDs on the market today are encrypted with CSS and region-coded to work in only one region, whether warranted or not. It's been posited as "the norm" by the DVD movie industry. The result is that the consumer must pay for additional equipment in order to view DVDs from another region... something they may have had to do in the past because of format differences between countries, but because DVDs are in a universal format, the new equipment is needed to fulfill the requirement that a DVD with a particular region "flag" be played in a player with a matching region "flag"... an artificial boundry conceived by the movie industry. This type of choke hold on the digital medium only serves to fatten the broadcasters' pockets at the expense of the consumer.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices? The "flag" could certainly interfere with consumers' ability to send DTV content across networks. Broadcasters have complete control over what they want to limit and how. Depending on the limitations assigned to the "flag", broadcasters could theoretically instruct networked digital display equipment to refuse to accept content that arrives from a network connection. It could be used in a "pay-per-location" scheme... Say you record "Seinfeld" on PVR1 in your living room and later want to watch it on PVR2 in your bedroom. If it were properly flagged, the broadcaster it was recorded from originally could say that you have to pay an additional \$10.00 in order to be allowed to transfer it to PVR2 and watch it in your bedroom. And with no one to regulate what restrictions broadcasters can implement for their programming, they're likely to lock-down nearly everything they broadcast making the freedoms we currently enjoy in the time-shifting arena obsolete.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

The broadcast flag requirement will certainly limit consumers' ability to use existing equipment, and definately make it difficult to use older equipment with newer equipment. The fact that the flag limits what can be done with content would preclude its use on older equipment that doesn't recognise the flag. Without complete compliance in all of your equipment, the flag loses its power. This fact will drive broadcasters to insist that equipment manufacturers build some type of "compliance" test into their equipment that would refuse to operate unless everything "in the chain" recognizes and honors the broadcast flag. This means that the consumer is

stuck with buying all new equipment if they want to enjoy programming that has been traditionally free of any limitations such as these.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

The broadcast flag requirement will limit the development of future equipment with new options. This effect can already be seen in the PVR (Personal Video Recorder) arena. ReplayTV was sued because their product allows viewers to bypass commercials in recorded programming, a simple technical trick (and very usefull, in my opinion) that is all but impossible to find in current equipment these days because it doesn't serve the broadcasters' interests. Another manufacturer, SonicBlue, was sued because their PVR had the ability to send recorded programming to other PVRs, across a network or even across the internet. Broadcasters saw this as a threat and immediately turned to legal action. Heavy-handed legal threats by companies worth billions of dollars against small businesses and individuals effectively stifles creativity and innovation.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

The broadcast flag requirement will have a very large cost impact on consumer electronics equipment. While the cost of the physical components required to fulfill the broadcast flag requirement will likely be minimal, equipment manufacturers will likely have to redesign current products in development and future products in order to incorporate it. Add to that the cost of whatever licensing is likely to be necessary when a standard is released, the costs of upgrades & bug fixes & the inevitable security patches, and the average consumer will be paying a lot more than he should have to for that new TV and VCR.

Other Comments:

The broadcast flag proposal should be denied. It serves no other purpose than to take away the freedoms given to consumers to watch whatever programming they want whenever they want wherever they want, and hands complete control over to the broadcasters. If they don't want you to record this week's "Survivor" this new proposal will give them the ability to deny you that option. If they only want your copy of "Days of our Lives" to be viewable for 7 days, they'll make your recorder delete it on the 8th day. If they don't want you giving your copy of "Barney" to your grandchildren to take home to watch, they can limit your copy so that it's only playable on your recorder and no one else's. Honestly... if a broadcaster doesn't want to give up a little control over the when/where/how of how people use their programming, maybe they shouldn't be "BROADCASTING" it in the first place.