

The Broadcast Flag is an aberration. An aberration created and recommended by an industry that has consistently ignored and assaulted the Fair Use rights of the normal American, as well as assaulted the ability for people to independently produce and distribute independent content.

The Broadcast Flag is not designed to protect content, and it is not going to successfully protect content. The content is already available digitally from other sources (Such as DVDs), which are trivial to break into, as well as easier to deal with (the video on the DVDs is already in a well known format that is easy to manipulate). With the nature of the Internet, all that needs to get out is one copy. One. When there are other sources, a broadcast flag does nothing to prevent this distribution.

What does the Broadcast Flag achieve? Three things:

1) The content industry wants the ability to control when and where people view broadcasted video.

Although innovations such as the VCR have done much to aid the bottom line for the content industry, the industry has historically fought tooth and nail to prevent people from being able to control their own viewing habits. From Jack Valanti's famous speech about the VCR being the "Boston Strangler" to Hollywood's "Woman alone" to this push for control, Hollywood has always resented people being able to control how and when they consume content. The Broadcast Flag gives the content industry the control back that they lost so many years ago, and steals the fair use rights of all the people who consume these products, by circumventing the ability of people to exercise those rights. It is not the FCC's mission to favor corporate interests over those of the public.

2) The content industry wants veto power over who can produce content.

The Broadcast Flag is industry protectionism at it's worst. The advent of cheap computing has given a far larger segment of the population the ability to produce quality content. One just has to look around the Internet to see the amazing level of quality that amateurs have achieved using new technology to see that this is accurate. The existing content industry, just like any other industry does not like additional competition. This new grass roots ability to produce high quality content represents a danger to industry's bottom line. The Broadcast Flag represents another tool that Hollywood can use to artificially raise the barrier of entry that technology has brought crashing down. It is not the FCC's mission to defend the business plans of corporations who are facing a changing world.

3) The content industry wants veto power over new innovations that in the future could affect its business plan.

The content industry has realized in the past decade that technology represents many possible dangers to its way of doing business. The Broadcast Flag is one of many initiatives by the industry to 'tame' technology, and make it obey the wishes of Hollywood's executives. Hollywood is seeking the ability via this initiative to be able to have veto power over what new technologies other industries can bring to market. The personal computer industry would have to seek Hollywood's approval over what it can produce if this regulation goes into effect. This will prevent many small businesses from producing many new innovative products, as this will raise the barrier to entry on production of devices that can access digital broadcast content. It is not the FCC's mission to favor one industry over others, and give them advantages in the marketplace.

In short, the Broadcast Flag is bad policy, favoring the Machiavellian desires of one industry over those of other industries, consumers, and potential competitors.