

I have been following the issue of the broadcast flag closely for some time now, and frankly find the fact that it has even been proposed and taken seriously disturbing. As a software engineer, I can certainly understand the intentions of protecting intellectual property. However, I also know that as technology expands to all possible uses, the broadcast flag technology will undoubtedly be used more for controlling, rather than protecting intellectual property. While it might be intended to limit distribution of intellectual property (such as over the Internet), the inherent insecurity of client-side copy prevention, combined with the easily copyable nature of digital data means that a single copy of the IP is all that is required to make the broadcast flag useless for that particular work. What the broadcast flag will do, however is make legal use (such as time and space shifting, educational and critical uses) of the work far more difficult for the average American. !

It also opens the door for creating a pay-per-view model for all broadcast media. With such a powerful tool, it would be foolish for the large media companies (the only beneficiaries of this technology) to not use it to protect *all* intellectual property that can take advantage of it. The benefits of new technologies like the PVR (Personal Video Recorder, such as Tivo) and especially the Internet are just beginning to take shape, and represent possibly trillions of dollars over the next decade or so. To stifle these technologies to give some additional piece of mind to companies that are already protected by powerful and comprehensive copyright law, would be foolish at best. Unauthorized distribution of copyrighted works is already illegal. Adding a technological measure to enforce that, while not stopping illegal distribution of copyrighted works, will make legal uses of those works vastly more difficult. Given the FCC's long-standing policy of requiring broadcasts to be "in the clear", any technology such as this, that may jeopardize that policy should be given only the most extreme scrutiny, and ultimately rejected.

Sincerely,
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