

The proposed Broadcast Flag is a bad idea that will hurt consumers. It should not be mandated.

Existing copy-disabling technologies such as macrovision on DVDs are already hurting consumers. I have several friends who purchased a DVD player, and tried to plug it into their VCR, only to discover that the picture was bad, due to macrovision. They were forced to buy an expensive video switch, or replace their existing stereo with an even more expensive a/v capable receiver. Even though they were just trying to use their existing VCR as a video switch, they were unfairly penalized by copy-prevention technology.

The Broadcast Flag will just make this problem worse. Additionally, researchers such as Ed Felten of Princeton have pointed out many reasons why it won't actually prevent copyright violations.

The content industry wishes consumers to pay the extra cost of copy-prevention, but avoids paying for it themselves. The recent Harry Potter DVD was released without Macrovision, because they decided that sales would be high enough and the print run large enough that paying the licensing fees for macrovision was something they could skip. The price of a DVD already has these fees factored in, so in this case, it was just additional profit for them at the consumer's expense. In a similar manner, the hardware to implement the proposed Broadcast Flag is coming at the consumer's expense.

Consumers have shown in the past that they do not want to be saddled with cumbersome copy-prevention schemes. DivX failed in the marketplace in favor of the open DVD standard, which is currently inexpensive and plentiful. In fact, in many cases it's cheaper to purchase the DVD of the movie than just the soundtrack of the movie. The DataPlay media format also failed in favor of existing highly functional CD-ROM technology.

This is actually the correct approach and business model - give consumers what they want conveniently at an inexpensive price, and they will buy it. If you wish to promote HDTV and broadband, you should promote open, free standards that allow consumers to do things easily and conveniently, not have to make multiple trips to the store to figure out why their hardware isn't working.

The current proposal would also prevent innovation by projects like GNU Radio, and would unfairly discriminate against open-source operating systems such as Linux.

I have not seen any demonstration from the content industry that the Broadcast Flag will actually work to prevent copyright violations while retaining existing fair use rights that consumers enjoy such as time and space shifting, quoting excerpts, making backup copies, etc. The BDPG working group was unable to come to a consensus.

I for one, will not purchase any consumer electronics that contains a broadcast flag.

Sincerely,

Karl J. Smith