Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	MB Docket No. 02-230
Digital Broadcast Copy Protection	)	
	)	
	)	
	)	

REPLY COMMENTS OF THOMSON INC.

Thomson Inc. ("Thomson") respectfully replies to comments filed in the above-captioned proceeding.[1] Thomson reaffirms its support for the use of a broadcast flag to protect digital broadcast television ("DTV") against illegal copying and distribution of digital content over the Internet.

I. A NUMBER OF CONCERNS EXPRESSED BY THOMSON IN ITS COMMENTS IN THIS PROCEEDING APPEAR TO HAVE BEEN ASSUAGED BY THE TEXT OF THE MPAA-BROADCASTER-5C PROPOSAL

In comments filed earlier in this proceeding, Thomson expressed its support for a digital broadcast content protection system based upon consumer electronics products responding to the broadcast flag; however, Thomson raised a number of concerns.[2] Having reviewed the proposal set forth in this proceeding by the Motion Picture

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[1] *In the Matter of Digital Broadcast Copy Protection*, MB Docket No. 02-230, Notice of Proposed Rulemaking (rel. August 9, 2002) (*"NPRM").*

[2] *See* Comments of Thomson at 2.

Association of America ("MPAA") and other members of the content community, broadcasters, and the Digital Transmission Licensing Administrator ("5C") (the "Proposal"),[3] Thomson reaffirms its support, noting that particular technical concerns raised by Thomson in its initial comments appear to be addressed satisfactorily in the text of the proposed FCC regulations included in the Proposal.

A. The Proposal Appears To Allow For Digital Broadcast Content Protection Using Multiple Integrated Circuits, Thereby Avoiding Possible Anticompetitive Consequences

In its earlier Comments in this proceeding, Thomson expressed concern that a mandate on devices to begin content protection "at the point of demodulation" could have serious competitive and cost implications if it forced upon manufacturers an undue level of IC integration (to achieve compliance with the broadcast flag) before a competitive market exists for such integrated products.[4] Based upon our review of the text of the Proposal, it is our understanding that such a result was not intended and is not required by the Proposal. While the Proposal requires "protection" to begin at the point of demodulation, as defined in the Robustness rules, Thomson believes and expects the Proposal's proponents to confirm that "protection" would allow a digital television to be manufactured with a tuner/demodulator module which has a transport stream in the clear, provided that transport stream is physically protected by being embedded within electrical PCB layers (i.e., shielding used to protect electronic signals

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[3] *See* Comments of MPAA et. al. at Attachments B, C, D; Comments of 5C at 1.

[4] *See* Comments of Thomson at 15.

within a device).[5] In other words, as Thomson further understands, the Proposal does not require, nor do its proponents intend to require, that the transport stream, when it leaves the demodulator but before it reaches the demultiplexer and microprocessor (where the broadcast flag actually is acted upon), be encrypted. With that clarification, Thomson believes consumer electronics manufacturers will have sufficient flexibility to design and manufacture DTV products in a manner that is both compliant with the proposed broadcast flag system and that continues to drive down the affordability curve for these products.

B. The Sale of Components Is Addressed Appropriately By The Proposal

In a similar vein, Thomson understands that the Proposal reasonably addresses a potential problem related to the sale of components, such as tuner/demodulators, to resellers. These products, which are sold to TV manufacturers for integration into a TV, produce a transport stream output but, because they do not include a demultiplexer and microprocessor, cannot themselves detect and protect the broadcast flag. The Robustness rules associated with the Proposal provide that the sale of noncompliant equipment is not a violation when it is sold to a party that has filed a written commitment with the Commission.[6] Accordingly, notwithstanding any other provision of the Compliance or Robustness Requirements in the Proposal, Thomson understands, and expects the Proposal's proponents to corroborate, that tuner/demodulator component manufacturers may sell these components to television set manufacturers, even though

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[5] *See* Joint Comments of the MPAA *et. al.*, Attach. B at X.10, X.11.

[6] *See* Id. at X.2, X.13.

the chips themselves are not compliant with the Proposal's Requirements, so long as the digital TV product manufacturer files a written commitment with the Commission that it will build compliant digital TV products.[7]

II. CONCLUSION

For the reasons discussed above and in its earlier comments in this proceeding, Thomson supports the Commission's continuing efforts to address implementation of the Proposal.

Respectfully submitted,

THOMSON INC.

David H. Arland
Director, Worldwide Public and Trade Relations
Consumer Products
Thomson Inc.
P.O. Box 1976, INH-430
Indianapolis, IN 46206-1976
(317) 587-4832

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[7] *See* Id. at X.2(a)(1)(B). Similarly, professional broadcasters and satellite and cable operators may file written commitments that allow the sale of noncompliant equipment or parts to them. *See* Id. at X.2(c)(3)(B) and (C).