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December 22, 2009

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: Notice of *Ex Parte* Communication
GN Docket Nos. 09-191 and 09-51

Dear Ms. Dortch:

On December 18, 2009, the undersigned of this Firm together with the representatives of the motion picture and television industry identified below met with the representatives of the Commission identified below to discuss matters relating to the importance of content protection as part of the Commission's network neutrality and national broadband plan proceedings. Representatives of the motion picture and television industry included: Michael O'Leary, Motion Picture Association of America, Inc., Steve Weinstein, MovieLabs, Preston Padden, The Walt Disney Company, Susan Mort, Time Warner, Inc., Keith Murphy, Viacom Inc., Margaret Tobey and Greg DePriest, NBC Universal, Inc., Rick Lane, News Corporation, and Alicia Smith on behalf of Sony Pictures Entertainment, Inc. The Commission representatives included: Zachary Katz, Julius Knapp, William Lake, Jon Peha, Alison Neplokh, Walter Johnston, Gregory Intoccia, John Wong, David Tannenbaum, Michael Goldstein, John Kieder, Richard Hovey, Claude Aiken, Carol Simpson, William Kehoe, and Saurbh Chhabra.

In particular, Mr. Weinstein pointed out that the content industries view broadband as a tremendous opportunity to offer innovative new services and reach consumers in exciting new ways. He also explained that high quality content, especially video content, is an important driver of broadband adoption.

Mr. Weinstein and the other industry representatives also explained, however, that intellectual property theft and piracy are an acute and growing problem. Mr. Weinstein reviewed the variety of ways in which consumers can access illegitimate content online, and described the increasing sophistication of unlawful web sites that make stolen content available. Mr. Weinstein then provided an overview of some of the technological tools available to combat online content theft (as further described in the attached presentation, which was distributed at the meeting).

The motion picture and television industry representatives asked the Commission to continue to distinguish between lawful and unlawful content online and to make policy decisions that foster innovation and permit the emergence of technologies that can help combat intellectual property theft.

This letter is being submitted electronically in the above-referenced docket, which have been granted permit-but-disclose status, pursuant to Section 1.1206(b) of the Commission's Rules. Should you have any questions concerning this submission, kindly contact the undersigned.

Very truly yours,

/s/

Jared S. Sher
*Counsel to the Motion Picture
Association of America, Inc.*

Enclosure

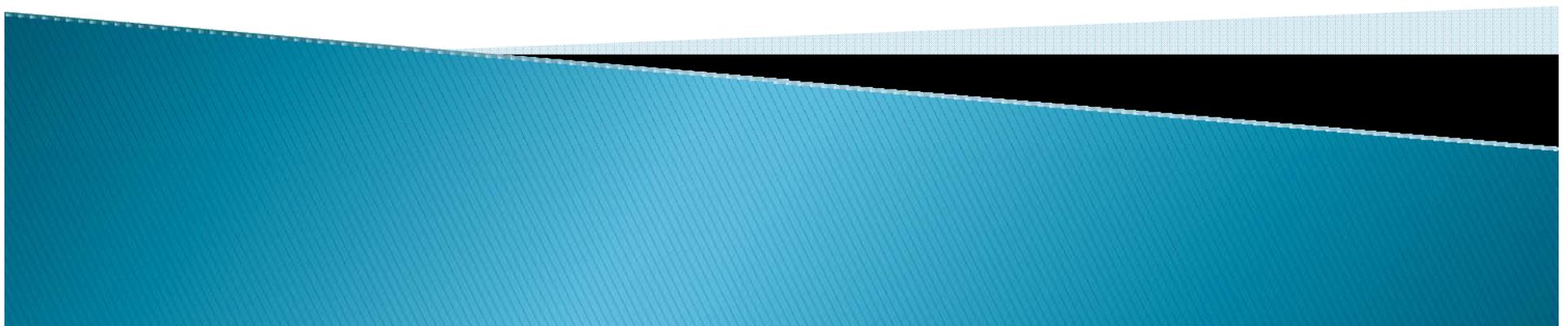
cc: Zachary Katz
Julius Knapp
William Lake
John Peha
Alison Neplokh
Walter Johnston
Gregory Intoccia
John Wong

Marlene H. Dortch
December 22, 2009
Page 3

David Tannenbaum
Michael Goldstein
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FCC

December 18, 2009



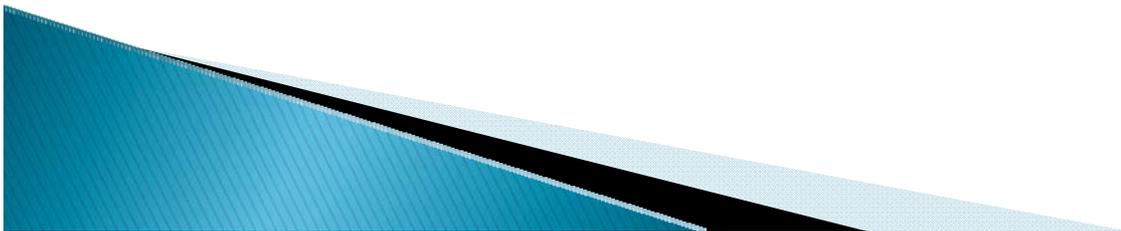
Piracy changes as technology changes

- ▶ Usenet, Newsgroups, IRC
- ▶ P2P – 2000
 - Napster
 - Limewire
 - BitTorrent
- ▶ Cyberlockers and Lockers – 2006
 - RapidShare
 - MegaUpload
- ▶ Streaming Sites 2008
 - Watch-Movies-Online
 - Surfthechannel
- ▶ Industry needs to adapt to changes in piracy



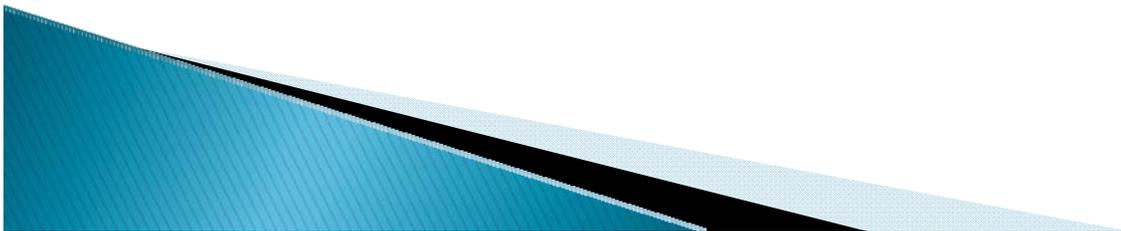
Current Anti-Piracy Strategies

- ▶ Inform and educate to change behavior
- ▶ Create friction to obtain illegal content
- ▶ Targeted technology approach



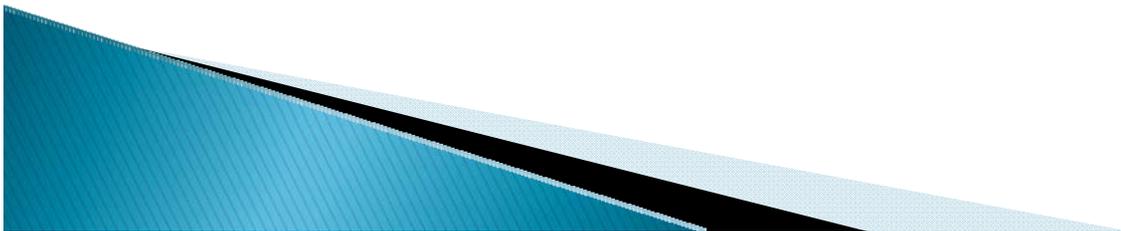
Working on All Fronts

- ▶ Supply chain and distribution chain
- ▶ Universities and colleges
- ▶ User generated sites
- ▶ Torrent & linking sites
- ▶ Social networks
- ▶ Equipment and software publishers
- ▶ ISPs



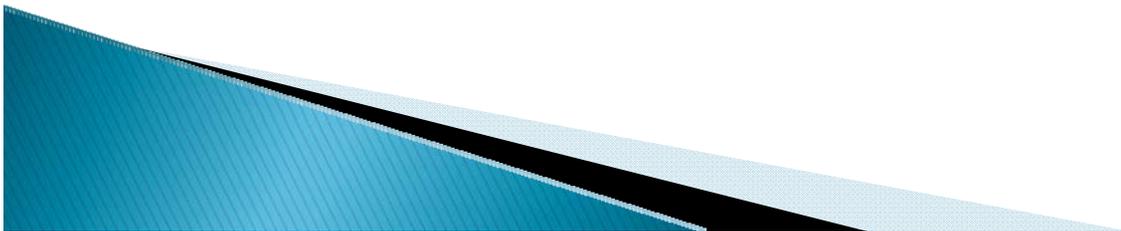
Technical Methods of Fighting Piracy Today

- ▶ Bandwidth management
- ▶ UGC filtering using content recognition
 - Went from concepts in 2004 to broadly deployed in 2009
- ▶ Site/URL



ISPs Are Already Using Similar Tools To Address Other Network Issues

- ▶ Managing bandwidth congestion
- ▶ Illegal content (e.g. porn)
- ▶ DOS attacks
- ▶ Virus attacks
- ▶ Malware sites
- ▶ Metered bandwidth
- ▶ Future services



Summary

- ▶ Internet technology and its usage are changing
- ▶ Piracy likewise continues to evolve
- ▶ The tools and techniques necessary to meet today's challenges must adapt to the demands of tomorrow
- ▶ The FCC should promote flexibility and innovation in network management tools to address the unlawful transfer of content

