

From: [participant]@wrf.com
Sent: Wednesday, May 08, 2002 3:04 PM
To: bpdg-tech@list.lmicp.com
Subject: BPDG: OCPS Qualification for Table A

Dear all,

Philips asserts that its Open Copy Protection System ("OCPS") submitted to the reflector yesterday qualifies for inclusion in Table A, regardless of which of the proposed sets of criteria are adopted.

As Philips has argued repeatedly, the criteria for inclusion of a technology on Table A should include objective technical criteria and additional licensing/policy criteria as set forth in Philips' proposed Table A criteria. The OCPS technology offered yesterday satisfies, or will satisfy by such time as the Table A criteria are adopted into binding law or regulation, each of the requirements in Philips' proposed Table A criteria. In fact, OCPS comes closer today to satisfying these criteria than any other technology that has been proposed for inclusion on Table A. For example, unlike DTCP, which uses an encryption key length of 40 bits, OCPS uses the far more secure 56 bit key. Further, the proposed OCPS compliance rules are narrowly tailored for broadcast protection and provide a comparatively simple regime that mirrors the obligations that would be imposed by the proposed BPDG Requirements Document. No other proposed technology has defined compliance rules for broadcast protection. Further, the OCPS Compliance Rules impose obligations no more rigorous than those imposed on Covered Products by the BPDG Requirements Document and permit maximum flexibility for implementers by allowing all output and recording protection technologies permitted by the Requirements Document. It is also important to note that the license terms under which OCPS will be offered are far more narrowly tailored to broadcast protection than the terms under which any of the other proposed technologies are being offered. Finally, unlike any other proposed technology, OCPS is subject to an open change process that will protect implementer licensees against being placed at a competitive disadvantage if there is a need to change the system.

Moreover, even if (contrary to Philips' view) the proposed MPAA/5C/CIG criteria are adopted, and if (again contrary to Philips' view) the DTCP technology is deemed to qualify for inclusion on Table A, OCPS clearly qualifies for inclusion on Table A under the MPAA/5C/CIG proposed criterion no. 3. OCPS is "at least as effective at protecting Unscreened Content and Marked Content against unauthorized redistribution (including unauthorized Internet redistribution)" as is DTCP. Indeed, OCPS uses a superior encryption algorithm and 56 bit key that is significantly more secure than the DTCP 40 bit encryption system. OCPS provides enforcement and licensing security comparable to DTCP. If DTCP is included on Table A, there is no reasonable ground for excluding OCPS. Finally, even if the MPAA/5C/CIG proposed criteria are adopted, nVSB remodulation (including applicable legal obligations) should be placed on Table A as an authorized technology. It is inappropriate to establish (DTCP) encryption as the only standard for the "at least as effective" comparison, when the content sought to be protected is sent to the home unencrypted. OCPS clearly qualifies for inclusion on Table A in that it is "at least as effective" as nVSB remodulation of an ATSC in-the-clear signal.

Respectfully submitted on behalf of Philips,
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