

May 16, 2002

Mr. Michael Ripley
Chairman
Intel Corp.
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Dear Mr. Ripley:

Several member companies of the Consumer Electronics Association, which is one of the founders of the Copy Protection Working Group, have been engaged with the Broadcast Protection Discussion Group (BPDG) for the last several months to identify the best technical approach for implementation of the ATSC descriptor bit commonly referred to as the "broadcast flag."

CEA and members of Congress were told that the work of the BPDG would explicitly be focused on the implementation of the broadcast flag to stop unauthorized distribution of terrestrially-broadcast digital TV programming over the Internet. This is a worthy goal, and one that deserves careful contemplation, discussion, and agreement. It is my understanding that the broadcast flag is NOT designed to restrict future home recording rights in the home or to impede fair use principles.

With that in mind, I would like to suggest that the following "preamble" be added to the final report of the BPDG that is due to be delivered to members of Congress this coming Friday:

"Nothing in this document shall be construed to restrict the fair use rights of consumers, who will continue to be able to engage in time-shifting, place-shifting, and other private, noncommercial rendering of lawfully obtained music and video content within each consumer's personal digital network. No security measures shall be applied to prevent a lawful recipient from making personal home network copies for lawful use of terrestrially broadcast digital TV programs. Since home recording practices have nothing to do with commercial retransmission of signals, unauthorized commercial reproduction of content, or other acts of 'piracy,' home recording and piracy should not be confused. "

A plainly worded "preamble" to the BPDG report will eliminate confusion about your group's motives and insure that all interested parties understand the narrow limitations of the "broadcast flag" technology in an unencrypted broadcast environment.

Sincerely yours,

Gary Shapiro
President and CEO
Consumer Electronics Association

CC: Bob Perry