

From: []@mwe.com
Sent: Thursday, May 30, 2002 11:50 AM
To: bpdg-tech@list.lmicp.com
Subject: BPDG: Followup, HRRC objection to n. 7, " Additional MPAA comments on Report /Requirements drafts"

I have received some off-line indication that the sentence to which I objected in n. 7 of the MPAA draft was meant simply to emphasize that any "consensus" emerging from BPDG should be understood as directed toward governmental rather than private action, and that consistent with my role in providing antitrust "benedictions," I should be sympathetic with such a clarification.

I think the footnote, without the objected-to sentence, made the point adequately. Strictly as a drafting item, if it is felt that an additional sentence is necessary, I would (without buying into the overall draft, or MPAA comments, in any other respect) suggest an alternative:

Any points of agreement reflected in this Report, or in draft Compliance and Robustness Requirements, should be understood as being addressed only to such anticipated possible governmental action.

This should avoid the inference as to which I was, and remain, concerned. In such case, however, I would disagree with Michele's proposal that "any" be changed to "the" in the preceding sentence. (The modifier might simply be left out!) A redlined version of the entire footnote is attached.

Regards,
[]

As noted above in footnote ~~Error! Bookmark not defined.~~, a policy group has been constituted to address means by which any Compliance and Robustness Requirements applicable to the Broadcast Flag solution could be implemented and enforced through legislative and/or regulatory action. ~~The points of consensus reported in this document are to be understood as proposals for such governmental action.~~ Any points of agreement reflected in this Report, or in draft Compliance and Robustness Requirements, should be understood as being addressed only to such anticipated possible governmental action.

From: []@wrf.com
Sent: Thursday, May 30, 2002 2:23 PM
To: bpdg-tech@list.lmicp.com
Subject: BPDG: MPAA Proposed Footnote 7

On behalf of Philips, Thomson and Zenith we support the objections of the HRRC with respect to MPAA's proposed footnote 7. In addition we object to the use of the term consensus. As has been reiterated numerous times, BPDG is a discussion group seeking an understanding of common ground and not a consensus body. There have been no votes, nor mechanisms to take such votes and there is no process for resolving disagreement. As such there can not be consensus in this group.

Second, this group's scope never included making a proposal to the government. Indeed, that task was specifically deferred to a different forum. The proposed footnote 7 is simply inaccurate.

We are studying HRRC's proposed revision, but wanted to note our objections to the MPAA proposal.

Kind regards,
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From: []@krausmail.com

Sent: Thursday, May 30, 2002 3:09 PM
To: bpdg-tech@list.lmicp.com
Subject: Re: BPDG: MPAA Proposed Footnote 7

[]@krausmail.com

DigitalConsumer.org supports the objections of the HRRC with respect to MPAA's proposed footnote 7. In addition, we agree with Philips, Thomson and Zenith in their objection to the use of the term consensus. BPDG is not a consensus body. As previously noted, there have been no votes, nor mechanisms to take such votes and there is no process for resolving disagreement. As such there can not be consensus in this group.

Thank you.

[]
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From: []@cov.com
Sent: Friday, May 31, 2002 2:12 PM
To: 'bpdg-tech@list.lmicp.com '
Subject: BPDG: MPAA and gov't action

On behalf of Microsoft, we do not agree with MPAA's statement that the purpose of the BPDG process was to draft a plan for government action. That was one of many options, and the parallel group will explore those questions, but it cannot be claimed that the BPDG product is a proposal for gov't action. We share HRRC's observations about the inappropriateness of this language and it certainly is contrary to our understanding of the process.

From: []@mwe.com
Sent: Friday, May 31, 2002 3:07 PM
To: []
Cc: 'bpdg-tech@list.lmicp.com '
Subject: Re: BPDG: MPAA and gov't action

While not disagreeing with this comment, I should clarify: I believe it is fair to say that BPDG activity was undertaken "with a view" toward possible governmental action (initiated by somebody else, hence the repeated references to the "Parallel" or "Policy" Group that would consider issues that some characterized as "enforcement"). I am prepared to accept MPAA's suggested note as signifying only this fact. The actual sentence objected to went further, however, to assert that every item of "consensus" also should be interpreted as constituting a "proposal" for governmental action. BPDG was not established to formulate or make proposals, governmental or non-governmental. It was established to compile a report to the CPTWG co-chairs, which the BPDG co-chairs are now doing.

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