

# Entertainment industry fights piracy

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Finding itself in a whirlwind battle of fighting revenue losses as a result of piracy, the entertainment industry is pushing legislation that would prevent the exploitation of a gap in content protection technology known as the "analog hole."

The Digital Transition Content Security Act of 2005 referred to the House Committee on the Judiciary last year is being heavily supported by giants in the industry such as the Motion Picture Association who demonstrated Monday methods in how pirates are taking advantage of the loophole during analog-to-digital conversion.

The legislation addresses the breach in content protection when digital signals are converted into an unprotected analog format, thus allowing for digital rights management information (DRM) or content protection coding not to be maintained and copies made of the original content.

If passed, the bill mandates electronics manufacturers to produce devices that detect irremovable watermarks on content via Content Generation Management System Analog (CGMS-A) and Video Encoded Invisible Light (VEIL), which are protection signal technologies.

Currently, there is no guideline for tech manufacturers on content protection, only a voluntary system and such legislation would level competitive pressure between volunteers and those who do not, according to MPAA representatives.

According to Dean Marks, senior vice president of intellectual property

at Warner Bros., the bill is only means to transition consumers from a mixed analog environment to a pure digital environment.

He expects in 15 to 20 years for devices to move from analog to digital, noting that if the bill is not passed, legacy analog devices will still be made that escape copyright material.

And while it does not affect all analog-related devices, he says it's about protecting copyright material through signal technologies.

Meanwhile, Fritz Attaway, MPAA special policy advisor, says such legislation "will prevent honest consumers from straying off the path," not intended for commercial pirates who could eventually hack into such a system.

But both Marks and Attaway say it's a mandate protecting manufacturers who may soon be regulated to ensure material is copyrighted.

The proposed legislation also expands upon the power of the Patent Trademark Office authorizing it to conduct ongoing rulemakings to update the technology that would answer to the mandate.

According to a spokesperson from the USPTO, the USPTO supports the Rep. F. James Sensenbrenner's, R-Wis., efforts to achieve inter-industry consensus on a solution to the analog hole problem.

Both Sensenbrenner and ranking member John Conyers, Jr., D-Mich, sponsored the bill, introducing it in Congress in December.

"We share his interest in learning about any concerns about this approach or any alternative approaches that might resolve the problem," said the USPTO spokesperson. "Without such a solution, content owners must either face more widespread piracy or move to digital-only formats

that would not play on existing analog televisions, monitors, and DVD players."

The analog hole bill also precedes the Digital Content Protection Act of 2006 -- a revisiting of the broadcast flag legislation that gave the Federal Communications Commission new authorizations that was rejected by the courts last year. The legislation introduced this month would also prevent redistribution of digital over-the-air television from Internet piracy and at the same time limit the fair use of copyrighted content.

And it may pass if concerns continue to grow over pirated material with incidents like Sirius' Howard Stern Show recently found to be pirated online.

But some skeptics like Jeff Joseph, vice president of communications at the Consumer Electronics Association, say such a bill will disenfranchise the 7 million to 10 million devices in the current marketplace that has an analog connector by prohibiting those devices.

"It makes every consumer seem like a potential pirate," Joseph said. "We have grave concerns; it seems a crime to disenfranchise so many consumers who have already bought these products in good faith."

As many as 90 percent of U.S. households already have a VCR and 80 percent have a DVD player, many don't have necessary content protection technology, says Joseph.

"I think Congress has to be careful when they are dealing with technology and intellectual property issues," Joseph warned. "We have to make sure that legislations for unauthorized illegal piracy of copyright content are narrowly tailored and don't make the public suffer."

The analog hole bill is anticipated to receive attention when Congress

convenes as technology and intellectual property continues to be a burdensome conflict between congressional members, entertainment industry, and electronic manufacturers since of dawn of digital entertainment.

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