

# FCC gives content industry more control over your TV

May 27 2010, By Troy Wolverton

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You may not have noticed it, but a division of the Federal Communications Commission made a decision earlier this month that could have a big impact on your TV viewing.

On the positive side, many pay-TV customers may soon be able to watch recently released [movies](#) from the comfort of their couch long before they are available on DVD.

But many other consumers, especially those with older TVs, won't be able to watch those films at all. For the first time, the [FCC](#) will allow cable and [satellite TV](#) operators to switch off outputs on set-top boxes, making them unable to transmit video signals over older, generally analog ports.

This limitation will affect more than just owners of older TVs. By shutting off those ports, pay-TV operators will make it impossible for consumers to record the first-run films on external media recorders to watch them later on other gadgets, or to use devices such as a Sling Box to watch them in places other than where their pay-TV set-top box resides.

The FCC's decision could lead to these types of restrictions for content other than first-run movies. In the near future, you might not be able to Sling a 49ers game, record NBC's broadcast of "The Office" in a way that you can transfer it to your iPhone, or watch any movie at all unless you have a recent-model TV and a relatively pricey digital HDMI cable

with which to connect it to your set-top box.

The FCC's action came in the form of a waiver to a rule approved nearly seven years ago. At that time, the content industry was growing concerned about [Internet piracy](#) of movies and songs, so the movie studios and [cable operators](#) asked the FCC for approval to shut off video outputs on new digital set-top boxes that didn't include built-in copy protection technology.

The FCC not only refused but also banned pay-TV operators from using so-called selectable output controls. But the commission allowed operators to include such technology in their set-top boxes and set up a process by which they or content owners could apply for waivers to the ban. The commission argued that the industry might in the future develop consumer-friendly business models in which they might need to take advantage of the output controls.

Offering first-run movies to consumers for early on-demand viewing is the first such proposal to meet with FCC approval. Under the waiver granted by the Media Bureau, pay-TV operators can activate the output controls and shut off analog video outputs when transmitting these movies. The restrictions on the movies will stay in place for 90 days or until they're available on DVD or through Apple's iTunes or other online services.

The bureau made the move at the behest of the Motion Picture Association of America, which represents the major studios. The MPAA argued that the studios wouldn't offer first-run movies on demand unless they were able to protect the movies from being copied.

At first blush, the waiver seems reasonable. Movie piracy is rampant online through file swapping networks like Bit Torrent. While the analog outputs on a set-top box can be used for legitimate purposes, they can

also be used to make copies of movies or TV shows that can then be distributed illicitly via those swapping networks.

To date, the major studios have largely avoided releasing movies for on-demand viewing before they come out on DVD, and it's not unreasonable to think that they truly are trying to prevent greater piracy of their films.

Meanwhile, those consumers with recently purchased televisions and digital connections will get something they haven't had access to before: first-run movies on demand. And those consumers without such connections won't be losing anything; they don't have access to such films right now.

But if you dig a little deeper, the decision becomes a bit more disturbing, illogical and potentially damaging for consumers.

Pirated versions of movies are frequently available within days of their theatrical release, if not before. Shutting off the analog ports on consumers' televisions isn't going to do anything to stop that.

Moreover, the FCC is essentially going back on its word.

The whole reason it barred pay-TV operators from switching on output controls was because it didn't want them discriminating against particular groups of consumers, especially those who bought the first generations of digital televisions and helped create a market for such devices.

Those TVs don't have the HDMI ports that will be needed for getting these first-run movies. Now, with some 10 million to 20 million of those sets still in consumers' homes, the FCC is saying it's OK to treat those sets differently.

But the biggest problem with the decision is the precedent it sets. Because the FCC has now said it's OK in some instances to activate output controls, you better believe that the MPAA or other groups will argue for other opportunities to impose such restrictions.

If the content industry has its way, we may have more access to its movies and programs, but only if we let it decide where, when and how we watch them.

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