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Wary of a Video Napster, Hollywood Plots a TV Crackdown

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In the final version of Hollywood's proposal to prevent the **Napsterization** of TV, there's a surprise mention of something politely referred to as an "obliteration" application.

Aimed at heading off the digital theft of TV shows and movies, the obliteration computer code would sit in the guts of your digital TV or set-top box and would essentially eat up any bit of programming deemed off limits.

Spooked by what has happened to the music industry, movie and TV executives have vowed an aggressive campaign to prevent a repeat on their turf. And they appear to have won the latest round, despite a pitched battle from consumer electronics companies and retailers, who fear that curbs on what people can watch will hurt sales of digital TVs.

This fall, the **FCC** blessed the idea for a device to regulate what people watch and copy, and last month an industry trade group submitted its final proposal on the specs of the new system.

The results aren't pretty: Now, when people switch over to digital TVs, if they ever do, it's not just that they won't be able to create infinite perfect copies of movies and television shows to bootleg or trade for free on the Internet. Under the new rules, they will not be able to make a copy on the den TV and then play it in the bedroom or take the tape over to a friend's house.

The middleman, **CableLabs**, submitted its final proposal to the FCC in December, which was supposed to be a formality signaling that the deal was done. But now the **Consumer Electronics Association**, which represents manufacturers, says it's asking the FCC to make the license document available for public comment and proceed from there to make changes in it. The trade group has a list of complaints about as long as the 34-page license itself. The biggest beef is that consumers, who already are wary of buying expensive new TVs, will be less inclined if they think they won't have any control over what they can record.

How realistic is the worry that people might feel constrained? This is how the copy protection module will affect viewing:

- If an incoming signal doesn't hit a copy protection device, you'll get static.
- If you have a device in your TV, but you try to tape a show to a machine that doesn't, it won't compute.
- If a show is designated as "copy never" and you try to tape it on any kind of device, it won't go there.
- If you record a "copy once" program to your TiVo and then want to transfer it to a VCR, it won't go.
- If you want to send a signal to a device with a CD burner in it, it won't go.
- If you want to copy a digital recording onto the Internet or your computer, it won't happen.
- If you want to watch a high definition TV program on an analog TV set, the signal will be downgraded so it's not HDTV-quality anymore.
- If you make a copy on one machine and want to play it on another, it won't play.

Left unresolved in all of this is the critical issue of who decides what shows get obliterated, which ones can never be copied and which ones can be copied as many times as people want. CableLabs says those issues are beyond its purview. The entertainment companies, through the **Motion Picture Association of America**, say that they are entitled to copyright protection for their programs and don't really have to consult with anyone about it.

But the consumer electronics industry disagrees, and has said it is willing to go to court to get that decided. On its side it has **Supreme Court** precedent: The **1984 Sony Betamax case** gave home recorders the right under fair use rules to tape what they wanted for their personal use.

While this control wasn't a prime issue months ago because the entertainment companies had pledged that the only things that would be designated "copy never" would be pay-per-view or video-on-demand movies, the bar has since moved. The entertainment industry now wants "copy once" designation on all cable programming. And at least two companies would like it on over-the-air programming, too, if they can get it.

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