

(ii) A/53, Part 2:2007, “RF/Transmission System Characteristics” (January 3, 2007), IBR approved for § 73.682.

(iii) A/53, Part 3:2007, “Service Multiplex and Transport Subsystem Characteristics” (January 3, 2007), IBR approved for § 73.682.

(iv) A/53, Part 4:2007, “MPEG–2 Video System Characteristics” (January 3, 2007), IBR approved for § 73.682, except for § 6.1.2 of A/53 Part 4: 2007, and the phrase “see Table 6.2” in section 6.1.1 Table 6.1 and section 6.1.3 Table 6.3.

(v) A/53, Part 5:2007, “AC–3 Audio System Characteristics” (January 3, 2007), IBR approved for § 73.682.

(vi) A/53, Part 6:2007, “Enhanced AC–3 Audio System Characteristics” (January 3, 2007), IBR approved for § 73.682.

(3) ATSC A/65B: “ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable,” (Revision B) March 18, 2003, and IBR approved for §§ 73.9000 and 73.9001.

(4) ATSC A/65C: “ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable, Revision C With Amendment No. 1 dated May 9, 2006,” (January 2, 2006), IBR approved for §§ 73.682 and 73.9000.

(c) The following materials are available for purchase from American National Standards Institute (ANSI), 25 West 43rd Street, 4th Floor, New York, NY 10036 or at the ANSI Web site: <http://www.webstore.ansi.org/ansidocstore/default.asp>.

(1) International Standard ISO/IEC 13818–1:2000(E); “Information Technology Generic Coding of Moving Pictures and Associated Audio Information: Systems,” 2000, IBR approved for § 73.9000.

(2) [Reserved]

(d) The following materials are available at the FCC, 445 12th St., SW., Reference Information Center, Room CY–A257, Washington, DC 20554, or at the FCC’s Office of Engineering and Technology (OET) Web site: <http://www.fcc.gov/oet/info/documents/bulletins/>.

(1) OET Bulletin No. 69: “Longley-Rice Methodology for Evaluating TV Coverage and Interference” (February 6, 2004), IBR approved for § 73.616.

(2) [Reserved]

[73 FR 5684, Jan. 30, 2008]

Subpart M—Digital Broadcast Television Redistribution Control

SOURCE: 68 FR 67603, Dec. 3, 2003, unless otherwise noted.

§ 73.9000 Definitions.

(a) *Authorized digital output protection technology* means a technology approved pursuant to the procedures in § 73.9008.

(b) *Authorized recording method* means a recording method approved pursuant to the procedures in § 73.9008.

(c) *Bona fide reseller* means a party regularly engaged, or about to become regularly engaged, in the lawful commercial enterprise of selling, reselling, manufacturing, or assembling demodulators, or products incorporating demodulators, in compliance with this subpart.

(d) *Broadcast flag* means the redistribution control descriptor (`rc_descriptor()`) described in ATSC A/65B: “Standard: Program and System Information Protocol for Terrestrial Broadcast and Cable (Revision B),” (incorporated by reference, *see* § 73.8000).

(e) *Computer product* means a product that is designed for or permits the end user to install a wide variety of commercially available software applications thereon, such as a personal computer, handheld “Personal Digital Assistant” and the like, and further includes a subsystem of such a product, such as a graphics card.

(f) *Covered demodulator product* means a product that is required under §§ 73.9002(a)(1) or 73.9002(b)(1) to comply with the demodulator compliance requirements, and to be manufactured in accordance with the demodulator robustness requirements.

(g) *Demodulator* means a component, or set of components, that is designed to perform the function of 8–VSB, 16–VSB, 64–QAM or 256–QAM demodulation and thereby produce a data stream for the purpose of digital television reception.

(h) *Demodulator compliance requirements* means the requirements set out in §§ 73.9003 through 73.9006.

(i) *Demodulator robustness requirements* means the requirements set out in § 73.9007.

(j) *Peripheral TSP product* means a product that is capable of accessing in usable form unscreened content or marked content passed to such product via a robust method where the manufacturer of such product has committed in writing in accordance with § 73.9002(c) that such product will comply with the demodulator compliance requirements and be manufactured in accordance with the demodulator robustness requirements.

(k) *EIT* means Event Information Table as defined in ATSC A/65C: “ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable, Revision C With Amendment No. 1 dated May 9, 2006,” (January 2, 2006), (incorporated by reference, see § 73.8000).

(l) *Marked content* means, with respect to a Covered demodulator product, Unencrypted digital terrestrial broadcast content that such product has

(1) Received and demodulated and for which such product has inspected either the EIT or PMT and determined the broadcast flag to be present, or

(2) Where such product is a peripheral TSP product, received via a robust method and accessed in usable form, and for which such product either inspected the EIT or PMT and determined the broadcast flag to be present or determined through information robustly conveyed with such content that another covered demodulator product had previously so screened such content and determined the broadcast flag to be present; provided, however, that, with respect to a covered demodulator product, marked content shall not include content that has been passed from such product pursuant to §§ 73.9004(a)(1), 73.9004(a)(2), 73.9004(a)(3), 73.9004(a)(5), 73.9004(a)(6), or 73.9006(b).

(m) *PMT* means *program map table* as defined in International Standard ISO/IEC 13818-1:2000(E): “Information Technology—Generic Coding of Moving Pictures and Associated Audio Information: Systems” (incorporated by reference, see § 73.8000).

(n) *Robust method* means, with respect to the passing of unscreened content or marked content from one product to

another, a content protection method that complies with § 73.9007.

(o) *Transitory image* means data that has been stored temporarily for the sole purpose of enabling a function not prohibited by this subpart but that (1) does not persist materially after such function has been performed and (2) is not stored in a way that permits copying or storing of such data for other purposes.

(p) *Unencrypted digital terrestrial broadcast content* means audiovisual content contained in the signal broadcast by a digital television station without encrypting or otherwise making the content available through a technical means of conditional access, and includes such content when retransmitted in unencrypted digital form.

(q) *Unscreened content* means, with respect to a covered demodulator product, unencrypted digital terrestrial broadcast content that such product either:

(1) Received and demodulated and for which such product has inspected neither the EIT nor the PMT for the broadcast flag; or

(2) Where such product is a peripheral TSP product, received via a robust method and accessed in usable form, and for which such product has inspected neither the EIT nor the PMT for the broadcast flag and has not determined through information robustly conveyed with such content another covered demodulator product had previously so screened such content and determined the broadcast flag to be present; provided, however, that, with respect to a covered demodulator product, unscreened content shall not include content that has been passed from such product pursuant to §§ 73.9003(a)(1), 73.9003(a)(2), 73.9003(a)(3), 73.9003(a)(4), 73.9003(a)(6), 73.9003(a)(7), or 73.9006(b).

(r) *User accessible bus* means a data bus that is designed for end user upgrades or access, such as an implementation of a smartcard interface, PCMCIA, Cardbus, or PCI that has standard sockets or otherwise readily facilitates end user access. A user accessible bus does not include memory buses, CPU buses, or similar portions of a device’s internal architecture that

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do not permit access to content in a form usable by end users.

[68 FR 67603, Dec. 3, 2003, as amended at 73 FR 5685, Jan. 30, 2008]

§ 73.9001 Redistribution control of digital television broadcasts.

Licenses of TV broadcast stations may utilize the redistribution control descriptor described in ATSC A/65B: "ATSC Standard: Program and System Information Protocol for Terrestrial Broadcast and Cable (Revision B)," (incorporated by reference, *see* § 73.8000) provided they do not transmit the optional additional redistribution control information.

§ 73.9002 Sale or distribution of demodulators, covered demodulator products, and peripheral TSP products.

(a) *Demodulators.* No party that manufactures or imports a demodulator shall sell or distribute in interstate commerce such Demodulator unless:

(1) At the time of such sale or distribution such demodulator is itself, or is incorporated into, a product that complies with the demodulator compliance requirements and was manufactured in accordance with the demodulator robustness requirements; or

(2) Such sale or distribution is to a party that has committed in writing pursuant to paragraph (d) of this section not to sell or distribute demodulators other than in accordance with paragraphs (a)(1) or (a)(2) of this section.

(b) *Covered demodulator products.* No party shall sell or distribute in interstate commerce a covered demodulator product that does not comply with the demodulator compliance requirements and demodulator robustness requirements. The requirements of this paragraph shall not apply to the sale or resale of a product that was manufactured prior to the effective date of this subpart or that initially was sold or distributed in compliance with this subpart.

(c) *Peripheral TSP products.* No party that manufactures or imports a peripheral TSP product shall sell or distribute such peripheral TSP product in interstate commerce unless, at the

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time of such sale or distribution, such peripheral TSP product complies with the demodulator compliance requirements and was manufactured in accordance with the demodulator robustness requirements. The requirements of this paragraph shall not apply to the sale or resale of a product that was manufactured prior to the effective date of this subpart or that was initially sold or distributed in compliance with this subpart.

(d) *Written commitments.* (1) A written commitment to allow sale or distribution of demodulators under paragraph (a)(2) of this section, or for a peripheral TSP product, shall be submitted to the Federal Communications Commission, Chief, Media Bureau, Attn: Broadcast Flag Written Commitment, 445 12th Street, SW., Washington, DC 20554.

(2) The information to be provided by a party filing a written commitment to allow sale or distribution of demodulators under paragraph (a)(2) of this section shall include a statement that one of the following conditions is true:

(i) The party is a bona fide reseller;

(ii) The party is a licensed digital television broadcaster; or

(iii) The party is a multichannel video programming distributor, or other party engaged, or about to become engaged, in the lawful retransmission of unencrypted digital terrestrial broadcast content pursuant to § 76.1909 of this chapter.

(3) The information to be provided by a party filing a written commitment for a peripheral TSP product shall include statements that the party is engaged, or about to become engaged, in the lawful commercial enterprise of manufacturing such peripheral TSP product, and that such product will comply with the demodulator compliance requirements and be manufactured in accordance with the demodulator robustness requirements.

(4) It shall be a violation of this subpart, enforceable by the Commission, for any person that has filed a written commitment pursuant to paragraph (d) of this section to:

(i) In the case such commitment to allow sale or distribution of demodulators under paragraph (a)(2) of this section, sell or distribute the