

Federal Communications Commission

§ 73.9008

(2) Protected by an authorized digital output protection technology authorized for such content in accordance with any applicable obligations established as a part of its approval pursuant to § 73.9008. Neither unscreened content nor marked content may be so passed in unencrypted, compressed form via a User Accessible Bus.

(b) The requirements of this section shall become applicable on July 1, 2005.

§ 73.9007 Robustness requirements for covered demodulator products.

The content protection requirements set forth in the demodulator compliance requirements shall be implemented in a reasonable method so that they cannot be defeated or circumvented merely by an ordinary user using generally-available tools or equipment. The requirements of this section shall become applicable on July 1, 2005.

NOTE TO § 73.9007: Generally-available tools or equipment means tools or equipment that are widely available at a reasonable price, including but not limited to, screwdrivers, jumpers, clips and soldering irons. Generally-available tools or equipment also means specialized electronic tools or software tools that are widely available at a reasonable price, other than devices or technologies that are designed and made available for the specific purpose of bypassing or circumventing the protection technologies used to meet the requirements set forth in this subpart. Such specialized electronic tools or software tools includes, but is not limited to, EEPROM readers and writers, debuggers or decompilers.

§ 73.9008 Interim approval of authorized digital output protection technologies and authorized recording methods.

(a) *Certifications for digital output protection technologies and authorized recording methods.* The proponent of a specific digital output protection technology or recording method seeking approval for use in covered demodulator products shall certify to the Commission that such digital output protection technology or recording method is appropriate for use in covered demodulator products to give effect to the broadcast flag. Such certification shall include the following information:

(1) A general description of how the digital output protection technology or recording method works, including its scope of redistribution;

(2) A detailed analysis of the level of protection the digital output protection technology or recording method affords content;

(3) Information regarding whether content owners, broadcasters or equipment manufacturers have approved or licensed the digital output protection technology or recording method for use; and

(4) If the technology is to be offered publicly, a copy of its licensing terms, and fees, as well as evidence demonstrating that the technology will be licensed on a reasonable, non-discriminatory basis.

(5) If any of the information is proprietary in nature, the proponent may seek confidential treatment of the proprietary portion of their certification pursuant to § 0.459 of this chapter.

(b) *Initial certification window.* Following the effective date of this subpart, the Commission shall issue a public notice commencing an initial certification window for digital output protection technologies or recording methods. Within thirty (30) days after the date of this public notice, proponents of digital output protection technologies or recording methods may file certifications pursuant to paragraph (a) of this section. Following close of the initial certification window, the Commission shall issue a public notice identifying the certifications received and commencing an opposition window. Within twenty (20) days after the date of this public notice, oppositions may be filed with respect to a certification.

(1) If no objections are received in response to a proponent's certification within the twenty (20) day opposition window, the Commission shall expeditiously issue a determination indicating whether the underlying digital output protection technology or recording method is approved for use with covered demodulator products.

(2) If an objection is raised within the twenty (20) day opposition window alleging that a proponent's certification contains insufficient information to

evaluate the appropriateness of the underlying digital output protection technology or recording method for use with covered demodulator products, the proponent may file a reply within 10 days after the close of the twenty (20) day opposition window. The Commission shall determine whether to dismiss the certification without prejudice or to undertake a full review of the certification's merits pursuant to paragraph (d) of this section.

(3) If an objection is raised within the twenty (20) day opposition window alleging that a proponent's digital output protection technology or recording method is inappropriate for use with covered demodulator products, the Commission shall undertake a full review of the associated certification's merits pursuant to paragraph (d) of this section. The proponent may file a reply within 10 days after the close of the twenty (20) day opposition window. In such cases, the Commission shall issue a determination indicating whether the underlying digital output protection technology or recording method is approved for use with covered demodulator products.

(c) *Effect of subsequent certifications.* Where a proponent of a digital output protection technology or recording method files a certification pursuant to paragraph (a) of this section subsequent to the initial certification window described in paragraph (b) of this section:

(1) If no objections are received in response to a proponent's certification within twenty (20) days after the date of public notice of the filing of such certification, the Commission shall expeditiously issue a determination indicating whether the underlying digital output protection technology or recording method is approved for use with covered demodulator products.

(2) If an objection is raised within twenty (20) days after the date of public notice of the filing of a proponent's certification alleging that such certification contains insufficient information to evaluate the appropriateness of the underlying digital output protection technology or recording method for use with covered demodulator products, the proponent may file a reply within 10 days after the close of the

twenty (20) day opposition window. The Commission shall determine whether to dismiss the certification without prejudice or to undertake a full review of the certification's merits pursuant to paragraph (d) of this section.

(3) If an objection is raised within twenty (20) days after the date of public notice of the filing of a proponent's certification alleging that the underlying digital output protection technology or recording method is inappropriate for use with covered demodulator products, the proponent may file a reply within 10 days after the close of the twenty (20) day opposition window. The Commission shall undertake a full review of the certification's merits pursuant to paragraph (d) of this section. In such cases, the Commission shall issue a determination indicating whether the underlying digital output protection technology or recording method is approved for use with covered demodulator products.

(d) *Commission determinations.* Where the Commission undertakes a full review of the merits of a certification for a digital output protection technology or recording method, the Commission may consider, where applicable, the following factors:

(1) Technological factors including but not limited to the level of security, scope of redistribution, authentication, upgradability, renewability, interoperability, and the ability of the digital output protection technology to revoke compromised devices;

(2) The applicable licensing terms, including compliance and robustness rules, change provisions, approval procedures for downstream transmission and recording methods, and the relevant license fees;

(3) The extent to which the digital output protection technology or recording method accommodates consumers' use and enjoyment of unencrypted digital terrestrial broadcast content; and

(4) Any other relevant factors the Commission determines warrant consideration.

(e) *Revocation of approval.* (1) If the security of a content protection technology or recording method approved for use in covered demodulator products has been compromised, a person

Federal Communications Commission

Pt. 73, Index

may seek revocation of such approval pursuant to §76.7 of this chapter.

(2) Petitioners seeking revocation of a content protection technology or recording method's approval for use in covered demodulator products shall articulate in detail the extent to which the content protection or recording technology has been compromised and demonstrate why alternative measures are insufficient to address the breach in security.

§ 73.9009 Manufacture for exportation.

The requirements of this subpart do not apply to demodulators, covered demodulator products or peripheral TSP products manufactured in the United States solely for export.

ALPHABETICAL INDEX—PART 73

RULES APPLY TO ALL SERVICES, AM, FM, AND TV, UNLESS INDICATED AS PERTAINING TO A SPECIFIC SERVICE

[Policies of FCC are indicated (*)]

A

Acceptability of broadcast transmitters	73.1660
Access, Prime time (TV)	73.658
Action on applications	73.3591–73.3605
Adjacent channel and co-channel stations, Minimum mileage, separation between—	
FM	73.207
NCE-FM	73.507
Administrative changes in authorizations—	
FM	73.212
TV	73.615
Advertising—	
Refusal to sell	73.4005 (*)
Sponsorship identification	73.1212
<i>See also "Commercial" listings.</i>	
Affiliation agreements and network program practices; territorial exclusivity in non-network program arrangements (TV).	73.658
Affiliation agreements, Networks/stations	
AM	73.132, 73.3613, 73.4154 (*)
FM	73.232, 73.3613, 73.4154 (*)
TV	73.658, 73.3613
Agreement, United States-Mexico FM broadcast, Channel assignments under (NCE-FM).	73.504
Agreements, International broadcasting.	73.1650
Alarm and monitoring points, Automatic transmission system—	
AM	73.146
FM	73.346
NCE-FM	73.546
Allocation, Engineering standards of (AM).	73.182

RULES APPLY TO ALL SERVICES, AM, FM, AND TV, UNLESS INDICATED AS PERTAINING TO A SPECIFIC SERVICE—Continued

[Policies of FCC are indicated (*)]

Allocation, Field strength measurements in; establishment of effective field at one mile (AM).	73.186
Allotments, Table of (FM)	73.202
AM antenna systems	73.45
AM broadcast channels, Classes of	73.21, 73.23, 73.25, 73.26, 73.27, 73.29
AM definitions	73.14
AM directional antenna field measurements.	73.61
AM: Scope of subpart	73.1
AM stereophonic broadcasting	73.128
AM transmission system emission limitations.	73.44
AM transmission system fencing requirements.	73.49
Amendments—	
Major/minor: Renewal, assignment, transfer.	73.3578
Matter of right	73.3522
Procedures	73.3513
Ammeters, antenna and common point, Remote reading (AM).	73.57
Announcements required—	
Designation of application for hearing.	73.3594
Donor	73.503, 73.621, 73.1212
Filing of broadcast applications.	73.3580
Sponsorship	73.1212
Station I.D	73.1201
Antenna base fences, (AM)	73.49
Antenna, directional, Field measurements (AM).	73.61
Antenna, directional, Field strength measurements to establish performance of (AM).	73.151
Antenna height and Power requirements—	
FM	73.211
NCE-FM	73.511
TV	73.614
Antenna heights, Minimum, or field strength requirements (AM).	73.189
Antenna monitors (AM)	73.69
Antenna monitors, Requirements for authorization of (AM).	73.53
Antenna monitors, Sampling system for (AM).	73.68
Antenna resistance and reactance; measurements (AM).	73.54
Antenna site, Use of common—	
FM	73.239
TV	73.635
Antenna testing during daytime (AM)	73.157
Antenna structure, marking and lighting.	73.1213
Antenna system tolerances, Directional (AM).	73.62
Antenna system; Transmitter location (TV).	73.685
Antenna systems—	
AM	73.45
FM	73.316
NCE-FM	73.510
TV	73.685
Antenna systems, Directional (AM)	73.150
Antennas, Auxiliary	73.1675
Antennas, Emergency	73.1680