

# Facts about the RIAA's Digital Radio Copy Protection Proposal

The Recording Industry Association of America (RIAA) has proposed legislative language that would cripple emerging digital radio technology and prevent radio listener practices that have been both common and legal for decades. Both Digital Audio Broadcasting (DAB) and satellite radio technology offer radio programming with higher fidelity sound and a variety of enhanced services. These include digital information (meta-data) about programming and multiple programming streams. RIAA's proposal would require all content to be encrypted before being broadcast, and would severely restrict what digital radio receivers could do with the content. Such action would limit the benefits and increase the costs of a promising new technology, ultimately damaging the very public interests the FCC is charged with protecting.

## Restricts All Content and Format Types



The proposal requires that **all** content be encrypted. No exceptions are made for works not under copyright. It locks away not only music, but news programs and talk radio as well. The proposal isn't limited to radio broadcasts only; it also mandates encryption for satellite audio services such as Sirius or XM Radio.

## Traps Content In Your Radio

The proposed language prohibits the exporting of digital radio content through digital outputs or removable media such as a tape or CD. Consumers could no longer engage in the making of mix tapes from the radio. Additionally, the proposal would only permit recording of content in blocks of 30 minutes or longer.



## Prevents Fair Use



Consumers have a right to reproduce portions of copyrighted works for certain educational, scholarly, creative, and personal purposes. The technological limitations that the RIAA would impose would completely prevent all of these legal uses of copyrighted content. Public domain and other material not under copyright, which consumers can legally use in a variety of ways, would be similarly restricted in use.

## Allows the FCC to Regulate Consumer Electronics AND Make Copyright Law

This proposal gives the FCC a blank check to regulate digital radio receivers by mandating what encryption scheme(s) are permitted. The proposal also allows the FCC to determine how received content may be used. This impermissibly authorizes the FCC to make copyright law in function if not in fact.



## Isn't About Filesharing



Unlike the DTV broadcast flag proposal, the RIAA's proposal does not even purport to prevent the indiscriminate Internet redistribution of copyrighted content. Instead, RIAA's proposal would severely restrict actions that are perfectly legal and have been common for decades.

## Will Slow or Kill DAB Technology

RIAA's proposal will hobble, and possibly kill, DAB technology by eliminating popular and legal features expected by consumers. The proposed inclusion of encryption/decryption technology will also increase the complexity and cost of consumer equipment. Unlike digital TV, consumers don't have to buy DAB receivers in order to continue receiving broadcast radio. Thus, if DAB receivers offer consumers *less* functionality than today's analog radio receivers, consumers will be disinclined to purchase them. Thus, bad industrial policy runs the risk of killing the marketplace for an exciting new technology.

