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United States Patent and Trademark Office
Office of Legislative and International Affairs
Attn: Velica Steadman
2121 Crystal Drive, Room 902
Arlington, Virginia 22202

RE: Request for Written Comments and Notice of Hearings on
Technological Protection Systems for Digitized Copyrighted Works

Dear Ms. Steadman:

ContentGuard (www.contentguard.com) is pleased to submit for review and consideration, in response to the USPTO's request for written comments for Docket No. 2003-C-006, two papers which we believe will assist in preparing the report to Congress required by the Technology, Education and Copyright Harmonization Act of 2002 (TEACH).

The first paper, entitled "The TEACH Act and Rights Expression Languages" and the second, "A Model Describing the Use of the Moving Picture Experts Group Rights Expression Language (MPEG REL) to satisfy the requirements of the TEACH act of 2002" should provide useful in developing a report for "technological protection systems for digitized copyrighted works and to prevent infringement".

Traditional approaches to control, security and authorized use of electronic content on computer systems have typically relied on access control techniques. User ID's, passwords and similar techniques allowed authenticated users access to a particular digital domain in order to be able to read, write and edit electronic documents. However, with the advent of broadband communications and distributed computing on a massive scale, these techniques are no longer adequate or practical.

Digital rights management (DRM) can be used by consumers, educators, companies or governments to address copyright enforcement as well as privacy and confidentiality needs with much finer grained control. Usage rights can be assigned which are persistently enforced and tracked as electronic content moves from one digital domain to another. DRM, therefore, is well suited to meet the requirements of the TEACH Act.

ContentGuard is a recognized leader in DRM technology, and in particular, the development and use of a standard digital rights language as the means of defining and controlling the rights and conditions associated with the use of copyrighted materials. We believe that the technology exists to address much, if not all, of the requirements of the act. But to be useful and widely accepted, the technology must be deployed in a framework of

worldwide industry standards. We have been one of the strongest advocates for creating these standards.

The company is focused on working with recognized standards bodies to implement a single worldwide standard Digital Rights Language. We believe that such a standard will enable interoperability across DRM systems for digital content or services, including web services. Towards this end, ContentGuard has proposed its eXtensible rights Markup Language, (XrML™), to numerous standards bodies and provides technical expertise in support of their work.

XrML™ is the base for the development of the MPEG REL by the MPEG working group (formally called ISO/IEC JTC1 SC29 WG11) and has also been contributed to the Rights Language Technical Committee within the Organization for the Advancement of Structured Information Standards (OASIS). In addition, the Open eBook Forum (OeBF) has selected the MPEG REL as a foundation rights expression language for developing its Rights Grammar specification for the book publishing industry. Several companies, have also adopted XrML™ for use in their products. Information on XrML™ is available at www.xrml.org.

Particularly relevant to your assessment is that the MPEG REL (in addition to other related MPEG standards) is expected to support rich media content of all types (e.g. video, audio, images, text) and therefore maps well to the needs of the education community. This MPEG standard, available in draft form today, is expected to be published later this year as a formal ISO (International Standards Organization) Standard.

Furthermore, we believe the MPEG standard will enable the efficient creation of DRM applications, simplify the digital distribution process and increase opportunities for content or service providers deploying varied business models, while protecting their intellectual property.

The MPEG REL, as described by the enclosed white papers, if implemented within a "technological protection systems for digitized copyrighted works and to prevent infringement" should fulfill a majority of the requirements as mandated by the "Technology, Education and Copyright Harmonization Act of 2002". While the attached papers by no means address all the challenges presented by the Act, they demonstrate by example that rich technology already exists that can be applied to implementing the requirements defined in the Act.

I would be pleased to testify at hearings held by the USPTO on this subject, which I understand are tentatively scheduled for February 4th. Please advise me when and where the hearings are to be held, when the schedule is finalized.

Should you need further information or comment please feel free to contact me.

Sincerely



Michael Miron
Chief Executive Officer