

ATTACHMENT

CGMS-A Q & A

1. **Q: Why am I no longer able to make multiple copies of HBO and Cinemax programs, and no copies at all of HBO-On-Demand or Cinemax-On-Demand content?**

A: HBO has begun using a copyright protection mechanism that helps to enforce existing copyright laws. The technology is known as the "Copy Generation Management System for Analog" or CGMS-A. You will still be able to make one copy (analog or digital) of a program that airs on either HBO or Cinemax, but you will not be able to then further duplicate that copy. However, you will not be able to record HBO-On-Demand (HOD) or Cinemax-On-Demand (MaxOD) programs. Since HOD and MaxOD already provide the viewing conveniences afforded by having a personal copy of a program (i.e., the ability to watch what you want whenever you want to watch it), HOD and MaxOD subscribers do not need to copy HOD and MaxOD content.

2. **Q: I have an analog recorder. I don't even own a computer and have no way to connect to the Internet. I thought HBO's concern was all about digital copies. Why am I restricted from making copies?**

A: These days, it is possible to convert analog programs to digital files. Including CGMS-A in HBO's signals helps insure that digital copies converted from analog will retain the same copyright instructions as content that originates in digital. You will still be able to make a single copy of HBO and Cinemax programming, be it analog or digital. However, you will not be able to make a further duplicate copy, nor will you be able to distribute HBO or Cinemax programming via the Internet.

3. **Q: Has the law changed? Please help me understand what is (and is not) legal for me to do with HBO programming. I have grown accustomed to making and often sharing copies of programs with friends and family.**

A: The laws on copying distinguish between broadcast and non-broadcast programming. Broadcasters are required to permit consumers to make a single copy of *broadcast* programming for time shifting purposes. However, the law allows non-broadcast programming networks to decide what copying privileges they wish to extend to consumers.

HBO permits its subscribers to make one copy – analog or digital -- of regularly scheduled HBO and Cinemax programs for time-shifting convenience, but not for sharing copies with others. However, you are not permitted to make a copy of HOD or MaxOD programs since those services already provide subscribers the viewing convenience of "time-shifting" (i.e., HOD and MaxOD subscribers can watch HOD or MaxOD when their schedule permits, and can even stop, pause, and rewind if viewing is interrupted).

4. Q: Is only HBO doing this, and why?

A: HBO has decided to begin implementing copyright protection technologies now with the increasing proliferation of digital consumer electronic equipment. As television transitions from analog to digital technology, it will become important for distributors of high value programming to take similar steps.

HBO programming is offered in several different ways to the consumer (e.g., subscription television; subscription video-on-demand; DVDs; and occasionally it is edited for broadcast and basic cable). Digital copying and unauthorized redistribution threatens HBO's ability to continue offering programming via formats that may have widespread copying. As a result, HBO must ensure use of the programming for the "purpose" offered, such as "home viewing only."

5. Q: I thought you said I could make one copy for my family's use of HBO and Cinemax programs. My digital recorder gets an error message/is blank on the first attempt to record a program. What can I do?

A: You should contact your equipment manufacturer to be sure your equipment is set up and operating properly.

6. Q: Why can I copy a program from HBO or Cinemax (and all the multiplex channels), but am not permitted to copy programs from HOD or MaxOD?

A: One of the key attributes of HBO's On-Demand services is the convenience of watching great HBO and Cinemax programs on your own schedule – which is why you don't need to "time shift" the programming. HOD and MaxOD provide functions such as rewind, pause, fast-forward, etc. – i.e., the very same viewing conveniences offered by viewing a personal copy, thereby eliminating the need to record your own copy. If you would like to own the entire series of HBO's Original Programming (such as Sopranos, Six Feet Under, etc.), you are able to purchase the DVDs in attractive box sets with special features such as out-takes and directors' notes.