

# Washington Internet Daily

The news source for Internet policy



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### 'I Feel Bad'

## California Revenge Porn Operator Sentenced to 18 Years in Prison for Extortion, ID Theft

Kevin Bollaert, 28, was sentenced to 18 years in prison Friday after being found guilty in February on six counts of extortion and 21 counts of identity theft in his operation of a revenge porn website, ugotposted.com (UGotPosted), and the site, changemyreputation.com (ChangeMyReputation), where victims would be charged in order for their photos to be removed from UGotPosted. It's the first criminal prosecution of a cyberexploitation website operator in the country, and "makes clear there will be severe consequences for those that profit from the exploitation of victims online," said California Attorney General Kamala Harris in a [statement](#) Friday. "Sitting behind a computer, committing what is essentially a cowardly and criminal act will not shield predators from the law or jail," Harris said.

Between Dec. 2, 2012, and Sept. 17, 2013, Bollaert posted 10,170 private photographs that contained nude and explicit images, along with personal identifiable information (PII) for the individuals in the

photos such as subject's name, location, age and Facebook profile, according to an arrest and search warrant affidavit from California Department of Justice Special Agent Brian Cardwell, dated Dec. 10, 2013. An individual who posted nonconsensual pornography on UGotPosted was required to add a link identifying a victim's Facebook page along with the victim's full name, location and age. Other social media accounts such as Twitter and Tumblr could also be added, it said. Internet users who had accessed UGotPosted were able to view the PII and use that information to "annoy, harass, and/or cyber stalk the victims of the post via their Facebook page, email account or other identifying accounts," Cardwell said in the affidavit.

Attorney Elisa D'Amico, a revenge porn specialist at K&L Gates, representing one of the victims, said that after Bollaert was sentenced, her client said "the sense of empowerment and vindication I felt after sharing my experience in court in San Diego was incomparable." Bollaert's case has "gotten a considerable amount of media attention and will hopefully go a long way in helping to dissuade bad actors from improperly posting images online," D'Amico said.

### Surprising Sentence

"The substantial sentence imposed in this case is a strong message to all those who traffic in sexual humiliation: you will be punished, and punished severely," said Cyber Civil Rights Initiative Tech Policy Director Mary Anne Franks. "Like so many other revenge pornographers, Kevin Bollaert clearly didn't see the women whose lives he ruined as human beings; he saw them as opportunities," said Franks, an associate professor at the University of Miami School of Law.

Attorney Marc Randazza, who has represented "dozens" of clients for free in revenge porn cases over the past few years, said he was "horrified" by the sentence. Although Randazza has had a few cases involving the "reprehensible" and "disgusting human being" Bollaert and Bollaert's self-described former business partner Eric Chanson, Randazza said Bollaert's sentence is disproportionate. "If he had raped one of those girls he would have been out [of prison] in eight years," Randazza said. The prosecution asked for a 10-year prison sentence, Randazza said. "Locking [Bollaert] up for 18 years" won't give the victims back what Bollaert took from them, Randazza said. A three- to five-year sentence would have sent the same message and been more appropriate, he said.

"The real criminal is Google," Randazza said, saying he isn't in "any way shape or form saying Bollaert should have gotten off scot-free." Google's executives should be going to jail because without Google, UGotPosted "has no power at all," he said. Google "doesn't give a fuck," Randazza said. "They have no ethics. It would take one flip of a switch" to get the website down and the victims would no longer be exposed, he said. Google could have stood up and not listed the website in its search results, Randazza said. While everyone is "cheering" this sentence, a 28-year-old is going to prison until he is 46, none of the victims is made whole, and the company that really profited "continues to ride on with no impediments," Randazza said. Google didn't comment.

Google is "absolutely" protected by the Communications Decency Act, said law and technology blogger Adam Steinbaugh. Google doesn't need to be the Internet police, he said. But there are things Google can or should do, such as reducing the ranking of revenge porn websites in search results, as Google has done with mugshot websites, Steinbaugh said. Though he said he didn't expect the sentence to be that high, since the state asked for 10 years, Steinbaugh has no sympathy for Bollaert because despite public outcry, lawsuits and pleas for Bollaert to stop, "he just kept going."

Anybody who feels Bollaert's sentencing is "excessive is actually commenting on extortion and identity theft sentencing guidelines—not those of revenge porn," said Carrie Goldberg, an attorney specializing in cases involving Internet privacy and survivors of sexual assault. "Much of the media is erroneously reporting that [Bollaert] was punished pursuant to California's revenge porn laws," but that's untrue, she said. "California's revenge porn laws apply to the individuals who post—not the site operators who host," she said. "Judges have a limited amount of discretion when determining a sentence" and can "look at both aggravating and mitigating factors," Goldberg said. Bollaert's 18-year sentence is "enlightened," she said, as he "showed a shockingly depraved indifference to human suffering."

### **Extorting Thousands**

Investigators reported that about 10,170 nude and explicit images, along with PII, were posted on UGotPosted between Dec. 2, 2012, and Sept. 17, 2013. Images and videos submitted to the website were watermarked with the UGotPosted logo, Cardwell said in the affidavit. In that same time period Bollaert reportedly collected via the ChangeMyReputation website more than \$10,000 from individuals who were willing to pay hundreds of dollars to have their images and PII removed from UGotPosted. Victims would email UGotPosted's public email address and ask their images be taken down. For example, on July 12, 2013, Jane Doe #6 from Los Angeles emailed: "PLEASE HELP! I am scared for my life! People are calling my work place and they obtained that information through this site!" People are trying to obtain my phone number and work address "as if they wanted to come stalk me," she said.

A forensic exam of Bollaert's computer found that between June 20, 2013, and Aug. 26, 2013, the public email address for UGotPosted received more than 2,000 emails, Cardwell said in the affidavit. About 1,040 of those emails contained the word "remove," Goldberg said. "Bollaert would extort victims by replying with a changemyreputation.com email address and offering to remove the content for a fee ranging from \$250 to \$350, which could be paid using an online PayPal account referenced in the emails," Harris said. "Bollaert told investigators that he made around \$900 per month from advertising on the site and records obtained from his changemyreputation.com PayPal account indicate that he received payments totaling approximately \$30,000," she said.

Pleading in emails for the pictures to be taken from his site, women described harassment by UGotPosted consumers and noted the restraining orders and police protection that some victims had to obtain, Goldberg said. Bollaert's "business was basically to maintain a home on the Internet for individuals to do monstrous things to innocent women," she said. Jane Doe #5 from Chula Vista, California, had images taken from her Facebook posted on UGotPosted, along with her full name, location, cellphone number, Twitter account and LinkedIn profile, Cardwell said in the affidavit. More than 100 different sources reportedly tried to contact her, he said. Jane Doe #10 from New Jersey had someone post pictures of her nude body parts, along with cropped photos from her Facebook account, her name, Facebook link and phone number. Jane Doe #10 said a Google search of her name found her pictures also were on other websites.

### **'Ruining My Life'**

"These acts have severe online and offline repercussions for women and in some cases, further taxed the penal system, such as when victims had to get restraining orders against strangers who were contacting and threatening them," Goldberg said. The victims "deal not just with the privacy invasion and embarrassment of intimate images becoming public, but also with the loss of Internet autonomy," Goldberg said. "Suddenly their Facebook accounts are overtaken by sleazes propositioning them, their search engine results are dominated by naked pictures of them, their email inboxes are from strangers wanting sex or com-

menting on their body or insulting them,” Goldberg said. Ninety-three percent of victims of revenge porn express extreme emotional distress from it, she said.

In a Sept. 18, 2013, interview with Cardwell, Bollaert said operating UGotPosted was “fun and entertaining” at the beginning, “but now it’s just like ruining my life,” according to Cardwell’s affidavit. Bollaert acknowledged he received about 100 emails daily asking images be removed from UGotPosted. “I realize like this is not a good situation,” Bollaert told Cardwell. “I feel bad about the whole thing and like I just don’t want to do it anymore. I mean I know a lot of people are getting screwed over like on this site. Like their lives are getting ruined.” Bollaert was “counting on the criminal justice system to share his view—to understate the harm he caused and to make excuses for his conduct,” Franks said. “But he couldn’t have been more wrong, and now he will have a very long time to think about the destruction he caused.”

“Revenge porn operators need to get the hint that their days are numbered,” Goldberg said. “In the last few months we’ve seen the FTC open a case against one operator, a federal case against another for computer fraud,” and the “FBI shuttered yet another,” she said. “Law enforcers will continue to find creative ways to hold them accountable for the devastation they’re inflicting,” she said: “It’s a shocking display of hubris that any dedicated websites remain in operation.”

Bollaert’s former business partner Chanson, who Bollaert said hasn’t been involved with either website since December 2012, wasn’t charged and is an unindicted co-conspirator of Bollaert’s, Steinbaugh said. Chanson may have played a role in setting up the extortion website ChangeMyReputation, but asked Bollaert to remove his name from the website, Steinbaugh said. Chanson has indicated he sold the website to Bollaert, he said. “I don’t know how much I believe that,” Steinbaugh said, but the authorities are probably satisfied Chanson’s partner is going away for 18 years, he said. Though he won’t be behind bars, Chanson owes \$450,000 in a civil lawsuit, Steinbaugh said.

Bollaert and Chanson couldn’t be reached for comment. — **Katie Rucke**

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## First Net Neutrality Petition?

### **Cogent To Petition FCC Over Interconnection**

In what would be the first petition under the FCC net neutrality order, Cogent Vice President Robert Beury told us Monday that unless ISPs reduce congestion at interconnection points, the company plans to ask the commission to take action as soon as the order takes effect 60 days after publication in the *Federal Register*. That ultimately could lead the agency to decide whether companies should have to pay ISPs for interconnection, those on both sides of the debate told us. The commission declined to comment.

Beury said that “with the exception of Comcast, the major ISPs continue to refuse to ... upgrade capacity at points of interconnection with Cogent, and, we understand, with other transit providers. Consequently, the interconnection links are congested and their customers and our customers experience degraded service.” Comcast has been adding capacity, but Beury questioned “whether Comcast’s willingness to address congestion will persist” after its proposed deal with Time Warner Cable is no longer under FCC and Justice Department review. “To the extent we continue to experience congestion with any ISP, Cogent will avail itself of the complaint procedures at the FCC as soon as the Open Internet Order is effective,” Beury emailed.

The FCC sent the order to the *Federal Register* Wednesday (see [1504020024](#)). Industry associations expected to challenge the order (see [1503300055](#)), as well as ISPs, didn’t say Monday if they expect anyone to seek a stay before the order takes effect.

The commission, in the order, asserted jurisdiction over the interconnection disagreements ISPs have with transit suppliers like Cogent and Level 3, as well as Netflix. Rather than creating an outright prohibition of actions “that have the purpose or effect of circumventing or undermining the effectiveness or goals of open Internet rules,” as Comptel, Level 3 and Netflix had sought (see [1502130049](#)), the order said it will deal with disputes on a case-by-case basis under the “just and reasonable” standard.

Level 3 also said in an emailed statement it’s “experiencing interconnection point congestion as some large consumer ISPs continue to attempt to leverage control over access to their users to extract arbitrary tolls.” The company is pleased the agency will soon be able to hear complaints, and is “exploring its options,” the statement said. The net neutrality order requires that when broadband providers sell their customers access to the Internet, “they have an obligation to make adequate interconnection arrangements to honor those promises,” Level 3 said, adding it hopes “these few big consumer ISPs will change their practices and stop holding the growth and development of the Internet, not to mention their own customers, hostage.” Comptel and Netflix didn’t comment. Netflix has agreed to pacts with ISPs to pay for added capacity to reduce congestion.

Beury’s comments followed a Free Press [blog post](#) last week saying congestion continued to persist after Netflix reached a deal with the ISPs. Citing a study by the Measurement Lab, an open platform of open source Internet measurement tools, Internet attorney Natalie Nicol said “massive slowdowns are an ongoing problem for customers of the nation’s largest ISPs. Consumers are being held hostage while ISPs try to extract a ransom from other carriers and Internet content providers.” The hourly median download speed for AT&T, Comcast, TWC and Verizon “plummets during daytime hours when Internet users are most likely to be online” because of a lack of capacity, she wrote. Nicol said she’s optimistic the agency will act because it realizes “customers are caught in the middle” of the disputes. Free Press declined to comment Monday on potential appeals to the commission.

Beury predicted the commission would “take any interconnection complaint seriously.” There “is a good record showing intentional degradation of interconnection by the ISPs, so I expect the Commission will take some action to end the congestion that hurts consumers,” he said. Beury advocated the commission take a “bill and keep” approach as with voice interconnections.

AT&T’s peering policy “reflects general industry practice” and lets other providers send twice as much traffic as it receives, the company said in a statement to us Monday. “When that threshold is passed, long standing industry practice is to engage in commercial agreements to cover the traffic imbalance and account for the costs associated with additional capacity required to avoid congestion.” The other ISPs didn’t comment. — *Kery Murakami*

## 'Sledgehammer' Solution

### **.Doctor, .Sucks Decisions Spark ICANN Accountability Issues**

ICANN accountability is being called into question by decisions on two controversial new generic top-level domains (gTLDs), members of the domain name community said. One is .sucks, which already has raised a storm of protest from brand owners (see [Ref:1503180011]); the other is .doctor. The Intellectual Property Constituency (IPC) wants ICANN to stop the rollout of .sucks on the grounds of exorbitant prices and other issues, while Donuts, one of the contenders for .doctor, is challenging the Internet body for setting stricter rules for that domain than for any other gTLD.

The IPC pressed ICANN in a March 27 letter to “halt the rollout” of the .sucks new gTLD by Vox Populi Registry Inc. “so that the community can examine the validity of the registry’s recently announced plans” to: (1) Categorize Trademark Clearing House-registered markers as “premium names.” (2) Charge “exorbitant sums” to brand owners seeking to register .sucks domains. (3) “Conspire with an (alleged) third party to ‘subsidize’ a complaint site should brand owners fail to cooperate in Vox Populi’s shakedown scheme.” ICANN will respond to the IPC letter, a spokesman told us.

The IPC said the registry is charging trademark owners in excess of 250 times more than it will charge ordinary consumers for .sucks domain names. The IPC said brand owners who choose not to register their names at a cost of \$2,499 during the gTLD sunrise period that began March 30, but do so during the general registration period for \$249, may be forced to pay the higher amount if the registry has put them on its “sunrise premium” list.

ICANN has taken the position that it doesn’t regulate pricing, the IPC said. But Vox Populi’s entire business model “goes far beyond mere ‘pricing,’” it said. The scheme “constitutes an abuse and a perversion of the mandatory [rights protection mechanisms] approved by the ICANN community, solely to make money off the backs of brand owners” and appears to violate the registry agreements and numerous consensus policies, the constituency said. “It creates a mockery of the new gTLD process” and calls into question ICANN’s ability as an organization to be able to administer the new gTLD program, the IPC said. “This issue is particularly timely, given the accountability debate in which ICANN is embroiled.” Vox Populi CEO John Berard told us he had “no response that would be different than what I have been saying about the value of the name space.”

ICANN accountability mechanisms figure in a request by Donuts Registry subsidiary Brice Trail, which last month filed a [reconsideration request](#) against ICANN’s decision to require that all .doctor regis-

trants be medical practitioners. This amounts to singling out the new gTLD by adding more restrictions on top of what all the new domains have, Donuts Executive Vice President-Corporate Affairs Jon Nevett said in a March 27 interview. For certain “highly regulated” sectors, such as lawyers or dentists, TLD registrants must have the requisite qualifications, he said. ICANN originally put .doctor in that sector, because so many uses of the term fall outside of medical practice, he said. But after pressure from the Governmental Advisory Committee (GAC), ICANN proposed a public interest commitment for .doctor that goes beyond the highly regulated requirements, he said. It’s a “sledgehammer” to solve the problem that restricts speech from all the other categories around the term “doctor,” he said.

“Such artificial limitations lead to absurd results,” the reconsideration request said. “A psychologist can’t register ‘brain.doctor,’ ‘marriage.doctor’ or any .DOCTOR domain name, but a dermatologist can. A ‘legitimate medical practitioner’ could step outside of his or her area of expertise to register ‘directory.doctor’ or ‘blog.doctor,’ while information providers or publishers who do such things as their regular business could not,” it said.

If allowed to stand, the rules for .doctor would be a “regulatory mandate” prohibiting content related to other uses of the generic term, Nevett told us. This case is a test of ICANN accountability mechanisms because the policy wasn’t derived from a bottom-up process, but from the board and GAC alone, he said.

Brice Trail’s is one of three applications for .doctor, which is in contention resolution now, Nevett said. Its reconsideration request won support from one of the other candidates, The Medical Registry Ltd., which said in a March 24 [letter](#) that the new restrictions could “have a negative impact on our business.” The reconsideration document asked ICANN to delay the auction for .doctor until the merits of the request have been ruled on. — *Dugie Standeford*

## Rubicon

### **FCC Eighth Floor Still Looking Closely at 3.5 GHz Plan**

Relatively few meetings have been held at the FCC in recent weeks on spectrum sharing in the 3.5 GHz order, teed up for a vote at the April 17 commission meeting (see [1503270052](#)). More meetings are lined up this week as the agency comes to terms with whether to make changes to key parts of the rules, FCC officials said Monday. One of the big questions is the relationship between priority access licenses (PALs) to be offered by the FCC and general authorized access (GAA) spectrum, akin to unlicensed, officials said. The 3.5 GHz order is the only item slated to get a vote at the meeting.

Although there has been little back and forth from the commissioner offices on the order, activity should pick up in the next few days, an agency official said, noting it’s still early in the process. The order proposes that carriers be allowed to bid on three-year license terms for the PAL licenses with the possibility of aggregating them for six-year terms.

Five filings have been made in the main docket on the 3.5 GHz order, 12-354, since the order circulated March 27. One big recurring issue has been the extent to which the FCC will allow LTE-unlicensed (LTE-U) in the spectrum.

“Superficially this is about the fear that one unlicensed technology may crowd out other unlicensed technologies,” said Roger Entner, analyst at Recon Analytics. “Some companies that want to make money from

operating or making equipment for the 3.5 GHz band are afraid that other companies might infringe on that profit opportunity. The FCC is asked to make a determination of who may profit from the free and unlicensed resources owned by the American people.” In deciding the question, “the FCC has arrived again at the policy equivalent of the Rubicon,” Entner said. “It is about the potential reversal of the long-standing and wise decision not to play technology favorites and thereby create technology winners and losers by bureaucratic fiat.”

In a filing just before the order circulated, Public Knowledge and the Open Technology Institute raised concerns about Qualcomm’s and Verizon’s pursuit of the 3.5 GHz spectrum for LTE-U. “Much of the public interest benefit of interoperable devices and common technical rules across both PAL and GAA spectrum could be lost if one set of companies is able to dominate access to GAA bandwidth with technology not available to many competitors or the general public,” the groups [said](#).

Qualcomm stressed in a filing Friday the potential importance of LTE-U. Qualcomm Senior Vice President Dean Brenner reported on a meeting with Priscilla Argeris, aide to Commissioner Jessica Rosenworcel: “I urged the Commission to reject the requests made by various parties in this proceeding to prohibit deployment of any particular version of the so-called ... LTE-U technology in the proposed GAA tier in the band,” Brenner [said](#), according to an ex parte filing. Brenner discussed a recent demonstration of the technology by Qualcomm and companies at the Mobile World Congress in Barcelona. “There is no sound legal or policy justification for the Commission to prohibit any technology in this band,” he wrote. “The Commission’s policy of technology neutrality, in both licensed and unlicensed bands, has been a cornerstone of the success of the American wireless industry.”

CTIA said the rules should “incent investment” in the PALs and not “favor one technology over another,” in a [filing](#). Verizon told the FCC in a March 24 filing that it’s interested in both the PAL and GAA levels of the band. Verizon didn’t comment specifically on LTE-U, but urged adoption of technology-agnostic rules with minimal technical and operational requirements, consistent with the approach of the FCC in other spectrum bands. “We encouraged the FCC to maintain this policy for the 3.5 GHz band and reject calls to proscribe air interfaces or use cases,” Verizon [said](#). — *Howard Buskirk*

## Decisions 'Preliminary'

### **ATSC 3.0 Specialist Group Picks Sony, Verance Watermarks for Next-Gen Broadcast System**

ATSC’s “S33” specialist group on management and protocols “has made a preliminary decision to select the audio watermark technology proposed by Verance and the video watermark technology proposed by Sony for incorporation in ATSC 3.0,” ATSC President Mark Richer emailed us. Selection of all technologies for the next-gen ATSC 3.0 broadcast system “is subject to approval” of S33’s “parent” Technology Group 3 (TG3) within ATSC and ultimately ATSC’s “voting membership in accordance with ATSC due process,” Richer said.

Preliminary selection of the audio and video watermarks comes as TG3’s various specialist groups and their ad hoc subgroups begin piecing together components of the ATSC 3.0 system in preparation for meeting ATSC’s self-imposed target of completing a candidate standard by year-end 2015 and a final standard by early 2016. Thursday, Richer said in ATSC’s monthly online newsletter, the *Standard*, that ATSC expects the “initial elements” of the “physical layer” for ATSC 3.0 transmission as “likely moving” to balloting “in the coming days” (see [1504020034](#)).

Significant as the preliminary choice of audio and video watermarks is for the progress of ATSC 3.0, selection of its physical layer is even more so because the physical layer is the guts of the next-gen system's transmission protocol. ATSC 3.0's framers are expected to give a comprehensive progress report on the next-gen system at the NAB Show's Broadcast Engineering Conference, which opens Sunday in the Las Vegas Convention Center's South Hall.

Verance and Sony were two of six watermark proponents that submitted detailed technical proposals to ATSC's S33-3 ad hoc group on interactive services nearly a year ago, based on a [call for proposals](#) (CFP) in January 2014 (see [1405090074](#)). The audio and video watermarks that ultimately are chosen for ATSC 3.0 are needed to activate "automatic content recognition" (ACR) functionality that would enable certain interactive features of ATSC 3.0, S33-3 representatives said.

In the CFP, proponents were invited to submit audio or video watermark systems, or both, for activating the ACR, which will provide channel, content, timing, URL information and other "triggers" that will enable applications under ATSC 3.0, such as support for "second-screen services." The information gleaned from the ACR will allow an ATSC 3.0-compliant TV "to access the desired additional functionality via an Internet connection," the CFP said. "ATSC 3.0 will leverage the advantages of broadcasting's inherently efficient one-to-many architecture" and the benefits of smart TVs by incorporating ACR functionality into the next-gen system, enabling broadcasters "to provide a variety of new services to consumers," the CFP said.

Sony didn't comment on S33's preliminary selection of its video watermark proposal for ATSC 3.0. But Verance, in a statement attributed to Chief Technology Officer Joe Winograd, hailed ATSC's membership for its "remarkable vision in their initiative to standardize ACR technologies." Through ATSC 3.0, "it has become clear that an approach based on open specifications can overcome the barriers which have blocked the realization of ACR's promise," Winograd said. "By solving the challenges of platform fragmentation, reliability, scalability and privacy, we have the opportunity to establish an ecosystem that benefits consumers, broadcasters and receiver manufacturers."

VP1, as Verance's audio watermark is called, gives TV broadcasters the world's first open architecture system for "first-screen" ACR, Verance said. The technology enables delivery "of the full suite of broadband-enabled next-generation television features—including personalized viewing, onscreen interactivity, dynamic advertising and viewing measurement—to the many viewers who receive broadcast services via cable, satellite and OTT," it said.

For viewers tuned into an over-the-air broadcast, these broadband-enabled features "will be activated in their receiver via signaling included in the broadcast signal," Verance said. For viewers who receive their broadcast content via cable, satellite and over-the-top services, the existing delivery systems and CE interfaces "provide no mechanism for carriage of this signaling information," it said. "ATSC identified that standardization of ACR watermarking technology for this purpose would provide a reliable, compatible and transparent mechanism for delivery of this information by any broadcaster to any manufacturer's receiver." — **Paul Gluckman**

## Agencies

The FCC shouldn't grant Globalstar "privileged" or "priority access" to the 2472 to 2483.5 MHz spectrum for its terrestrial low-power service (TLPS), Google said in an [ex parte notice](#) posted Friday in docket 13-213. Google also raised concerns that real-world operation of TLPS may "differ substantially"

from the conditions that were tested at the commission. Globalstar rebuked critics of its testing conditions in recent filings (see [1503300050](#)). “Globalstar’s request raises a basic question whether it is consistent with the public interest for a Commission licensee to leverage that permission to gain preferential use of spectrum outside the scope of its license, particularly when that other spectrum has been designated for unlicensed use on a shared basis,” Google said. Globalstar can instead ask the commission to operate an ancillary terrestrial network, like a 10 MHz time-division LTE system, on the spectrum above 2483.5, which it already has a license for, Google said. Google said Globalstar may need to submit an application for reallocation of the 2472 to 2483.5 MHz spectrum from unlicensed to exclusive use for the commission to review. Such an application isn’t necessary, said Globalstar General Counsel Barbee Ponder in an interview. “We really don’t understand why Google has at this late date decided to express any positions in the proceeding,” he said. “We think the FCC’s rules they proposed a year and a half ago are in the consumer’s best interests. The demonstrations we recently completed at the FCC show there is no harmful impact on unlicensed services.” Globalstar planned to have filed a response Monday to Google’s ex parte filing, he said.

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CBS objected to aspects of an FCC information request connected to Comcast’s planned buy of Time Warner Cable, in a heavily redacted [response](#) posted Friday in docket 14-57. An FCC question asking CBS to list agreements with “announced OVD (online video distributor) services since Jan. 2011” is “vague and ambiguous,” CBS said. Other FCC questions are “vague and overly burdensome,” CBS said, such as an agency request that the broadcast network “describe all provisions relating to restrictions or limitations on distribution of the Company’s Video Programming.” CBS also objected to “any requirement that it produce information after the FCC reaches a decision on the applications relevant to MB Docket No. 14-57,” the company said. The FCC didn’t comment.

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Chanelle Hardy was named FCC Commissioner Mignon Clyburn’s chief of staff and media legal adviser, Clyburn’s office said Monday. The appointment is effective May 1. Hardy was the National Urban League’s senior vice president-policy and executive director of the group’s Washington, D.C., bureau, a news release said. She has been counsel and later chief of staff to then-Rep. Artur Davis, D-Ala. “Chanelle Hardy is a deeply committed public servant, who brings significant experience in policy analysis, advocacy, strategic partnerships and media analytics to my office,” Clyburn said in the release. Former chief-of-staff Adonis Hoffman left the agency last month to start a think tank (see [1503260051](#)).

## Courts

A one-count felony charge was filed Monday against David Topkins in the U.S. District Court of the Northern District of California in San Francisco, the Department of Justice said in a [news release](#). Topkins, a former executive of an e-commerce seller of posters, prints and framed art, agreed to plead guilty for conspiring to fix the prices of posters sold online by adopting specific pricing algorithms, DOJ said. Topkins and his co-conspirators “fixed the prices of certain posters sold online through Amazon Marketplace from as early as September 2013 until in or about January 2014,” DOJ said. Topkins agreed to pay a \$20,000 criminal fine and “cooperate with the department’s ongoing investigation,” DOJ said. The plea agreement is subject to court approval. “Today’s announcement represents the division’s first criminal prosecution against a conspiracy specifically targeting e-commerce,” said Assistant Attorney General Bill Baer of the Antitrust Division.

## States

Allied Fiber is poised for the launch of a distributed Internet exchange “like right now,” CEO Hunter Newby told us Monday: “Possibly eight weeks for this to be tested and operated.” Allied has been constructing a 700-mile fiber route between Miami and Atlanta, expecting operations by June, and connections through Jacksonville and a northeast segment including routes connecting New York, Chicago and Ashburn, Virginia. Allied has outlined plans to make its long-haul network nationwide, building out to Seattle and Vancouver. Newby said big content providers “like this idea” and are “very eager to see this happen,” promising to “name names” soon. This would allow for peering with the world’s biggest content providers without local access or last-mile providers “standing in the way,” Newby said. The net neutrality “debate only exists because there is extortion at the last mile,” he added, saying that debate doesn’t extend to the “neutral meet points.” Focus on “neutral network infrastructure” is an “antidote to net neutrality” and important for job growth overall, he said. Laying the physical infrastructure was a “pain” and the real struggle, full of challenges involving rights of way and other construction obstacles, he explained. The FCC and Congress should keep “playing ball” with the incumbents and shouldn’t interfere with the environment for peering and media rooms, he said: “We don’t need anybody to tell us how to come in and be fair and neutral. We already did it and everything’s working fine.” But the FCC “should focus on” rules for the last mile where access providers have monopolies, he cautioned, concerned about possible consumer harms in that space. —*JH*

## Intellectual Property

Congress’ ongoing examination of whether to make the U.S. Copyright Office an agency independent of the Library of Congress continues to raise questions over how the Copyright Office would function, given the potential for the agency to then become a rulemaking body, Wilkinson Barker lawyer David Oxenford [said](#) in a blog post Monday. The Copyright Office’s recommendations are currently only recommendations to Congress on changes to copyright law rather than true rulemakings because the Library of Congress “technically reports to Congress, not the President, and thus the arguments are that the Library is not a true executive agency (though the President does appoint the Librarian of Congress),” Oxenford said in the blog post. If the Copyright Office became an independent agency, “Congress would not need to get involved in details of Copyright law changes, but instead could enact a broader statute and let the Copyright Office fill in the details, just as the FCC decides how to enforce the Communications Act,” Oxenford said. Congress is seeking ways to increase its oversight of the FCC, which Oxenford said raises the question, “Is Congress ... ready to give up that same kind of oversight over Copyright policy?”

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Biometric authentication company NXT-ID filed provisional patent 62/143028 for a method and system to perform wireless payments via near field communications in a mobile device, it [said](#) Monday. The patent covers miniature antenna modules for uses including radio frequency and magnetic stripe communications, energy transfer and charging, and wireless magnetic payments, the company said. The miniature antenna modules are small enough to fit in mobile and wearable devices, including smart watches, but powerful enough to transmit wirelessly to magnetic stripe readers, David Tunnell, NXT-ID chief technology officer, said. Users can position the antenna-equipped devices within a few inches of most magnetic stripe readers to transmit magnetic stripe data wirelessly, “at a fraction of the power consumption of other approaches,” Tunnell said. A key challenge with dynamic magnetic stripe technology has been to get it to work across all magnetic stripe readers, not just some, and NXT-ID’s multipurpose antenna technology has overcome that limitation, Tunnell said.

## Industry Notes

Akamai bought Octoshape in a cash transaction, Akamai said Monday in a [news release](#). Octoshape's services help optimize the quality of video streams for over-the-top content and enable Internet Protocol TV, the release said. The acquisition of Octoshape is expected to give Akamai valuable technology and experience in the area of streaming video optimization, it said.

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Assist by AOL is a "single-source," round-the-clock tech support service that rolled out Monday to resolve "any number of issues on almost any device out there, no matter who made them, where they were bought, or how old they are," the company said in a Monday [announcement](#). "With the ever-changing landscape of consumer electronics and the constant introduction of new technology, we realize it can be challenging to ensure that all of our devices are working properly and achieving their maximum potential." The company said Assist by AOL tech experts will be U.S.-based and are trained to "teach a customer how to set up a new device or solve problems with products they already own." Two pricing options—a one-time fix and monthly membership—will be available. A \$19.99 monthly plan comes with a free 30-day trial, while the \$59.99 one-time-fix plan is "perfect if you occasionally come across tech problems that are just a little too complicated to handle alone," the service says.

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Autonet Mobile and AT&T said Autonet Mobile's telematics system and services are coming to the automotive market via AT&T's 4G LTE network. The mobile applications will let consumers access their cars from smartphones, let car original equipment manufacturers update vehicles while they're on the road, and protect proprietary vehicle information when connected to the cloud, they said Monday. Car owners will be able to remotely and securely control their vehicles from a smartphone, find and track vehicle location, receive health reports for maintenance, get alerts when airbags are deployed and connect mobile devices through the vehicle's Wi-Fi hot spot, the companies said. Autonet's technology will enable carmakers to monitor how vehicles perform, fix problems and boost vehicle performance via over-the-air updates, they said.

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DishWorld, a live streaming multilanguage TV service, will be called Sling International, with monthly subscriptions starting at \$15, Sling TV said in a Friday [news release](#). DishWorld customers can update to the Sling International app, which offers an updated user interface, it said. Sling International offers channels in 18 languages, including Bengali, Kannada and Marathi language groups, it said. A Sling International app will be released for Samsung smart TVs, and customers can continue to use the DishWorld app, it said. Customers can watch content on Amazon Fire TV, Android devices, Fire TV Stick, iOS devices, Mac, PC, Roku and Xbox One, Sling TV said.

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SiBeam is partnering with the NYU Wireless research center at the New York University Polytechnic School of Engineering as an industrial-affiliate sponsor of fundamental research that is creating 5G, a [news release](#) from SiBeam said Monday. The FCC is exploring the potential of mobile radio services in the millimeter-wave radio spectrum, which researchers believe could increase today's mobile data capacity by a thousandfold or more, the release said. [SiBeam](#) and [NYU Wireless](#) recently filed comments in response to

the FCC [notice of inquiry](#) aimed at exploring the potential of mobile radio services in bands above 24 GHz, SiBeam said in the release. NYU Wireless filed recommendations on global competitiveness and regulation, safety and feasibility and timing as it seeks to shape and accelerate the 5G future, it said.

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Roku began rolling out Roku Feed, a new search feature that allows consumers to see when streaming entertainment becomes available and at what price. Roku Feed initially will focus on “Movies Coming Soon,” which a Monday Roku blog post [said](#) ends the “guessing game around when a box office hit is available for streaming, which services offer the movie or how much it costs at a given time.” Consumers can search for movies, TV shows, actors and directors, and receive all available results listed by price from 17 top streaming channels, the company said. Roku also added the ability to search within the Roku Channel Store by channel name, allowing quicker searches by channels such as CBS News, HBO GO and Sling TV, it said. On the hardware side, Roku introduced a second-generation Roku 3 player (\$99) with voice search and a new remote control incorporating a microphone, voice search button and headphone jack for private listening, a company spokesman told us. Current Roku 3 players will receive a software update including the Roku Feed feature and the ability to search within the Roku Channel Store, the spokesman said. Roku mobile apps are also being updated, and users will be able to search by voice using the iOS and Android apps on a smartphone or tablet, he said.

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ZTE announced the global debut of its affordable Blade S6 Plus smartphone Monday through eBay. The \$299.99 device upgrades the 5-inch Blade S6 with a larger 5.5-inch 720p display while keeping the same Qualcomm Snapdragon 615 octa-core chipset, Adreno 405 image processor, Android 5.0 operating system and customizable MiFavor 3.0 user interface, ZTE said. The Blade S6 Plus also has an infrared function that allows the phone to act as a remote control for products including TVs, set-top boxes, air conditioning units and digital cameras, the company said.

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Viacom plans to reorganize three of its domestic network groups into two new organizations as a result of a companywide review of its Media Networks, Filmed Entertainment operations and corporate functions, a [news release](#) said Monday. In connection with the realignment, Viacom will recognize a pre-tax charge in fiscal Q2 of about \$785 million, reflecting the impact of write-downs of underperforming programming, Viacom said. The new structure realigns sales, marketing, creative and support functions, increases efficiencies in program and product development, enhances opportunities to share expertise, and promotes greater cross-marketing and cross channel programming activity, Viacom said. The company is also expanding its capabilities in business areas, including data analysis, technology development and consumer insights, reflecting the rapidly changing media market, shifting consumer behavior and evolving measurement practices, it said.

## Internet People

American Society of Composers, Authors and Publishers hires **Alice Kim**, ex-DigiConsult, as executive vice president-chief strategy & development officer ... Convergence Technology Consulting hires **Dale Raymond**, ex-Anchor Technologies, to lead its cyber practice ... *Consumer Reports* hires **Jason Fox**, ex-Reuters, as vice president-digital ... Concurrent hires **Clay McCreery**, ex-Arris, as senior vice president-worldwide sales and service ... RingCentral names to board **Mike Kourey**, ex-Khosla Ventures, as **David Weiden**, Khosla Ventures, resigns from board ... Lobbyist registration: **VMware**, registering on behalf of itself, effective April 1.