

**Title:**

Mr

**Forename:**

Alex

**Surname:**

Johnson

**Representing:**

Self

**Organisation (if applicable):**

**Email:**

[alexjohnson@mac.com](mailto:alexjohnson@mac.com)

**What do you want Ofcom to keep confidential?:**

Keep nothing confidential

**If you want part of your response kept confidential, which parts?:**

**Ofcom may publish a response summary:**

Yes

**I confirm that I have read the declaration:**

Yes

**Ofcom should only publish this response after the consultation has ended:**

You may publish my response on receipt

**Additional comments:**

**Question 1: Do you agree that copy management would broaden the range of HD content available on DTT and help secure its long term viability as a platform? :**

No. Programme-makers will use such technology if it exists, but when faced with a choice between selling or distributing content, or not, clearly they will chose revenues over no

revenues. The risk is rather that pay TV suppliers may attempt to induce programme-makers with the promise of DRM, and use that to their competitive advantage. That is and should be a wholly commercial arrangement between those parties and not something that the regulator, or BBC, involves itself in.

**Question 2: Do you agree that the BBC's proposed multiplex licence amendment represents the most appropriate means for securing an effective content management system on HD DTT? :**

No. It will serve only to inconvenience. It seems that programmes themselves will be unencrypted. If so, viewers with PC equipment will continue to be able to capture and record these programmes. I do this currently in order to view ITV1 HD on non-Freesat equipment. While these viewers represent a small minority of overall viewers, by definition, these viewers are also the ones most able to make digital copies. At worst, one would be able manually to schedule a recording based on published information. More likely, open source guide information would be made available - which it already is.

**Question 3: Do you agree with the proposed change to Condition 6 in the Multiplex B Licence? :**

No, because this will achieve very little in terms of copy protection, but will limit the ability of consumers to use non-Freeview branded equipment. That is anti-competitive.

**Question 4: Do you agree that Multiplexes C and D should be granted a similar amendment to their Licences as Multiplex B?. :**

No.

**Question 5: Do you agree that the BBC's proposed approach for implementing content management would safeguard citizens and consumers legitimate use of HD content, and if not, what additional guarantees would be appropriate? :**

No. I do not need the BBC to define for me what it believes my legitimate use is. I travel for business and I often record programmes to take with me when I travel, which I can view either on the computer attached to my TV, or on my laptop and iPhone if I am away from home. I delete programmes after I have watched them (not for any imagined reason to do with copyright, but because the files are large). I do not do this to distribute copies on the internet and regard my use as wholly legitimate. The BBC's examples seeking to show reasonableness do not have these use cases and it is the nature of technology that new use cases will be being created all the time - perhaps Apple's new tablet. By being prescriptive as to the uses with a view of the state of technology as at about 2007 frozen in aspic, these other uses would be stifled. Time and again, even technologists have found their ability to predict future uses for new technologies was very limited. Why does the BBC believe it can do a better job? In addition there is plenty of evidence to suggest people BitTorrent TV shows due to their unavailability, rather than to avoid buying a DVD. I imagine people would get the content anyway (which as explained the proposals would do nothing to stop). All that is achieved is a background level of inconvenience.

**Question 6: Do you agree that the BBC's proposed choice of content management technologies will have only a negligible impact on the cost of HD DTT receivers and their interoperability with other HD consumer equipment?**  
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Probably. But, the move is anti-competitive as it would restrict the ability of manufacturers to innovate. How does the BBC / Freeview propose to require compliance? Do they need to test every new TV onto the market before it is approved? This sounds very much like BT before privatisation, when BT alone would tell you what kind of phone you could have. Few people would look back on that period as a high-water mark of innovation in the telecoms industry (except a BT enjoying monopoly rents, of course). So how does a manufacturer secure the Freeview branding in a world with copy protection? This is summarised in s.3.7 of the Ofcom document, yet there is no detail as to how this would be achieved, but rather a peppering of buzzwords (such as "open source") to deflect the kinds of criticisms I am making. What happens if a manufacturer claims compliance, but circumvents it (qv DVD player manufacturers who publish simple codes to make their players region-free)? In addition, a new flavour of Freeview is already being thrust upon the public. Is it envisaged that this consultative process will be finished before Freeview HD equipment is on sale? That seems unlikely. So what happens to that equipment?

**Question 7: Do stakeholders agree that the BBC's proposed Huffman Code licensing arrangements would have a negligible effect on the market for HD DTT receivers? :**

As above.

**Question 8: Do the BBC's proposed content management states and their permitted use for different categories of HD content meet the requirements of other HD broadcasters on DTT? . :**

DRM is in broadcasters' interests. If I were ITV I would look back to a time before time-shifting and video recorders when people simply had to watch adverts misty-eyed and anything which gets them closer to that past is presumably something they would endorse.

**Question 9: Are there any issues that you consider Ofcom should take into account in assessing the BBC's proposal, that have not been addressed by this consultation?:**

At the margin, this must push up costs, and reduce choice. That is simple economics. Worse, as a method of preventing copying, it will be almost completely ineffectual in stopping the creation of source copies for internet sharing. It also runs serious risks of the BBC, whatever their well-meaning intentions, being the arbiter of what are and are not reasonable use cases, despite their having no real track record of being able to make such decisions. More cost, less choice, dubious efficacy. The only "winner" is a BBC which can compete more effectively with Sky. But if I want Sky, I can buy Sky - I don't need the BBC to try to be Sky itself.