

I previously responded to the September Consultation with my concerns about the impact on Open Source projects and users.

I've reviewed the latest proposal and OFCOMs response and find my concerns are even more acute. I do agree that the concerns about protecting HD content from copyright infringement and mass-distribution are legitimate - I'm just very concerned that in their attempt to protect the content the BBC will severely restrict the freedoms of citizens and license-fee payers in an area where individual innovation, experimentation and education (the Free Open Source Software arena) are the prime motivators.

In particular, although the BBC claims it would license the Huffman look-up tables (LUTs) royalty-free and on non-discriminatory terms, and to Open Source projects, in reality this would not be true.

Take as an example the most popular Open Source TV/PVR project, MythTV (<http://www.mythtv.org/>) which is licensed on the terms of the GNU General Public License and can be used on GNU/Linux, MacOS and Microsoft Windows operating systems.

The BBC proposes, in effect, to use the encryption of the EPG as a means to force 'manufacturers' to implement copy-protection in their 'devices'. The BBC also claims that preventing the distribution of the LUTs is critical to that aim.

In terms of users of MythTV the 'manufacturer' of the 'device' is the user themselves - not the MythTV project (a loose affiliation of software developers and users around the world). The project creates operating software to interface to tuners and record/process programmes as well as DVDs and streamed Internet content.

There is no way the MythTV project itself could obtain a license to the LUTs based on the current proposal since the project does not have the capability to enforce copy-protection on the wide variety of hardware combinations that the underlying operating system (GNU/Linux, MacOS, Microsoft Windows) supports.

The user combines the MythTV software with their generic PC hardware, tuners, and operating system to cause a PC to act as a digital video recorder (DVR) - "the device" - as well as all the other functions a general purpose PC can perform.

So on the face of it each MythTV user who wanted to receive the HD EPG would have to ensure they met the BBC licensing requirement and presumably the BBC would want some way to confirm that.

In this scenario the LUTs would be distributed widely and it is hard not to imagine at least one user not respecting the license/copyright to the LUTs and distributing them via the Internet - once out there the BBC would be unable to prevent their widespread use. With this in mind it is hard to envisage the BBC issuing such licenses based on its arguments for why restricting distribution of the LUTs is

The freedom of users to build, use, experiment and enhance their own devices using Open Source software projects would be severely restricted by the

current BBC proposal unless a specific fair licensing proposal that directly addresses such users is forthcoming.