

**Title:**

Dr

**Forename:**

Nick

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Kaijaks

**Representing:**

Self

**Organisation (if applicable):**

**Email:**

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

Keep part of the response confidential

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

Email address

**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:**

I am a user and past-contributor to the MythTV open source video project.

**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? :**

There have been similar arguments presented in the past in the US for HD content, as well as for other media (notably VHS and DVD). The US rightholders' arguments for DRM failed and have not prevented migration to HD. Insecurity of long term VHS and DVD platform viability was only a result of supercession, not the circumvention of their copy-protection.

**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, there have been numerous counter-examples of DRM circumvention which have demonstrated the ineffectiveness of DRM technologies as providing 'security'.

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

No, this is contrary to the public service and Public Value remit of the BBC.

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

No, this is contrary to the public service and Public Value remit of the BBC.

**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? :**

Creation of the DTLA, a QuANGO outside the existing oversight of Ofcom does not serve citizens and consumers. It is a constraint on legitimate activity, creating a barrier which unfairly restricts individuals and small businesses who might wish to legally use and reuse HD content, in favour of large and multinational corporations. It is anti-consumer.

**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? .:**

No, it increases the cost for open-source applications (which although widely-distributed is not negligible). It also negatively impacts consumers who have already purchased equipment which will not be possible to update to achieve compliance.

**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? :**

**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? . :**

**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?:**