

Title:

Mr

Forename:

James

Surname:

Lambert

Representing:

Self

Organisation (if applicable):

Email:

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. The UK is one of the largest media markets in the world, with the BBC begin one of the worlds largest media organisations. The idea that suppliers to this market would boycott it due to a lack of DRM is ridiculous. If any suppliers did refuse to work in this way others would soon spring up to take advantage. It's also worth noting that content suppliers are quite

happy to work without DRM on terrestrial broadcast material currently, why should this be any different with HD?

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? :

Bearing in mind that I do not agree with content management at all on the BBC's public service network this point is somewhat moot to me. I would argue that changing the terms of the BBC's license in such a way that they will longer be required to provide free-to-air programming to all viewers in the UK is unacceptable.

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

No.

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? :

Rights holders are responsible for enforcing their ownership of material. If an individual is found to be breaching the terms of use of a product the rights holder is responsible for taking action against the offender. This proposal appears to be asking the broadcaster to take on this responsibility. In the case of a public service broadcaster such as the BBC this is not appropriate. For a start the BBC is funded by licence fee payers, who would then be forced to bear the costs of the implementation of this system, which brings them no benefits. It has been proven time and time again that DRM has little to no effect on determined pirates (i.e. the people who will actually sell their recordings for a profit) whereas normal users and hobbyists are disproportionately affected. Asking the UK licence fee payer to foot the bill for this is unacceptable. The additional guarantees that are appropriate are the standard legal process which has been applied to copyright law for years.

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? . :

Speaking as a user of a home-built DTV system this will have a huge impact, as it will cause my system to stop working entirely. It is currently based on a piece of software called MythTV which available freely for download on the Internet. As such my current costs to view DTV are 0. This change would force me to buy a standard DTV receiver box which

would remove a lot of functionality that I find useful (time-shifting, quad-tuners, ability to watch TV in a number of different rooms in the house, music storage etc etc etc).

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? :

Yes

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? . :

I'm not entirely sure on the basis of this question. I don't see why the BBC should be basing its services on commercial broadcasters, as the goals of a public service broadcaster should be different.

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?:

The BBC's remit is to provide free-to-air viewing to all UK television users, not to provide the capability for commercial entities to maximise their earnings via DVD sales. I cannot believe that if the BBC doesn't implement DRM that it will be left without content. It is a huge market, and all of this content is available elsewhere, other shows will be available if any rights holders refuse to work without DRM. The other point of this is that as a UK license fee payer I consider that paying a third party (via a license fee on the DTT receiver I buy) for services that I pay for from a non-commercial entity is wrong. The BBC should not be beholden to a corporate entity, for example what would happen if another competing rights management service emerged? The BBC's choice of content management would stand to make a lot of money one way or another, and if the competitor was successful and more rights holders started using it then eventually all users would have to change their DTT receivers to the new system, generating huge costs for users and profits for DTT manufacturers. The fact that the license fee is as good as compulsory means that any decision taken here is using the BBC's captive viewers as commercial clout.