

What do you want Ofcom to keep confidential?:

Keep name 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? :

This is doubtful. There are many instances worldwide where content owners have attempted to impose broadcast flag / DRM restrictions on broadcasters and consumers.

The most notable example was in the US in 2006 when the FCC proposed that all receiving hardware should respect a broadcast flag and implement DRM on recordings. The argument at the time was that content owners could not continue producing content that was being freely shared upon broadcast.

When the broadcast flag provision was struck down in the same year, those same content owners continued to provide content to broadcasters in an open fashion with no constraints on technology used to broadcast / receive.

It is simply nonsense to suggest that mandating DRM on broadcasts will in anyway prevent that content from being made publically available via the internet after broadcast.

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 is not within the remit of a public service broadcaster to artificially restrict how consumers receive or use the content being broadcast.

Although the proposal is to not apply restrictions except in certain rare circumstances (first broadcast, still pay per view etc), that is left entirely to the discretion of the BBC and there are no guarantees they will not later use their DRM capabilities more frequently.

In addition, any step away from open broadcasting standards will create a closed market for receiving hardware and software. This cannot be in the interests of consumers.

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

I do not.

I, like many people in the UK, use open source software (MythTV) and commercially available DVB-T and DVB-S hardware tuners to receive free-to-view broadcasts. I choose to do this because it gives me greater flexibility and greater capabilities than using an off the shelf set top box.

While the content protection system proposed by the BBC would not encrypt the broadcast program streams, encrypting the SI data would make it impossible for the free software I use to interpret the streams for recording and determining program timings.

By its nature, an open source software implementation could not agree to any licensing terms imposed by the BBC on a) non-disclosure of the Huffman encoding scheme used to obfuscate the SI data and b) restriction on the output of the recorded content should it be possible to agree to part a).

Imposing this licensing change would make me (and the thousands of other people in this country who choose not to use off-the-shelf receiving equipment) criminals.

The only parties who could agree to the DTLA licensing terms in order to receive the Huffman decoding tables are commercial manufacturers producing closed hardware and software solutions. Users who prefer more flexible and more capable solutions, not available from these commercial manufacturers, would be prevented from doing so. This is not in the interest of consumers.

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

Absolutely not.

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? :

Any constraints on the use of content that consumers have received and paid for via the license fee (whether that be dictating which hardware may be used to receive it or how many times it can be copied once we have) is, by definition, not safeguarding our legitimate use of the content.

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? . :

It is my understanding that many HD DTT receivers make extensive use of open source software components in order to keep their development costs down.

The proposed choice of content management is completely incompatible with open source software and I believe it is likely that manufacturers would have to seek out and license non-open source software to replace the free open source equivalents.

Consequently, the additional manufacturing and licensing costs would be passed on to their customers.

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? :

n/a

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? . :

n/a

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 has presented their need for the provision of DRM as a necessary evil to ensure content providers continue to supply them with high definition content.

They suggest that by putting a technological barrier in the path of average users, the online distribution of that content via unofficial internet routes will somehow be prevented.

This is an obviously incorrect argument since it only takes one determined individual / professional pirate to bypass the copy protection - in this case, a trivial although illegal act - and the content is freely available to anyone who can find it.

Given that 'average users' will be unnecessarily restricted in how they can use the copy they have legally received through their set top box, they are in fact, more likely to seek out a non-DRM protected copy from unofficial sources.

Thus, the use of DRM WILL NOT prevent illegal distribution of protected content. Instead, it will actively encourage users to seek out the DRM-free version through unofficial channels since they would not be prevented from using that version in the way they choose.

