

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:

DRM schemes, including any form of copy protection are inherently anti-consumer and are often pushed by content producers/publishers under false pretenses.

DRM schemes are broken by design, they want to allow the purchaser to *view* the content but also seek to restrict *how* they can use the content. In order to do this they rely on being a black box setup where users do not understand how box processes the content.

At the very least, the content has to be output as visual and audible data which can be recaptured using a camera and microphone. More sophisticated methods of extracting the content will always be possible by reverse engineering the device and understanding how it works.

Cryptography employed by DRM schemes fails the basic idea of encryption, you cannot play the media *at all* without the key, and yet encryption becomes worthless if your adversaries have the key.

DRM schemes do not prevent organised piracy, serious organised media pirates are well funded and can afford to employ many skilled individuals. DVD, HD-DVD and Blu-Ray all employ copy protection schemes and yet copies are widely available. Because of the inherently flawed nature of copy protection schemes, sufficiently knowledgeable people will always be able to bypass it and extract the raw data.

DRM schemes are not intended to stop organised piracy, despite the claims of content publishers. What they seek to prevent is "casual copying". Casual copying is performed by every day people, and is not used to generate profit. Examples would include parents copying a video for their children so the children don't damage the original, or someone copying video onto a portable player so they can watch it on the move. There is also limited casual copying where people will make copies for friends, but this is extremely limited compared to organised piracy groups.

DRM schemes stifle open source software. DRM is fundamentally incompatible with open

source, because open source by definition allows people to look at the inner workings of the system. Open source is extremely important, without it the internet as we know it would not exist. By not having an implementation of a DRM scheme, open source systems will appear less attractive to users, and vendors of proprietary software will be able to charge higher prices for otherwise inferior software.

The real purpose of DRM schemes is not to prevent serious organised piracy, but to extract higher revenue from legitimate purchasers of content.

Someone watching a pirate copy will have a superior product to a DRM encumbered copy, and be able to use that copy however they choose.

Someone watching a DRM encumbered copy may have to purchase multiple copies of the media to play on different devices or in multiple formats (eg SD vs HD).

The former type of people have demonstrated their unwillingness to pay for content, however the latter are willing to pay so the distributors seek to extract every last penny out of them possible.

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.

Current standard definition channels are widely available without being encumbered by any form of DRM, and few would claim that the existing standard definition television platforms lacked "long term viability".

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? :

Content management systems are by definition ineffective, so no.

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? :

No. By restricting copies of recorded content to only being played on devices which implement the required copy management scheme you will be artificially restricting the market. Any supplier of equipment who is unwilling to comply with the terms for licensing the copy management system will be unable to play the content. This could include all manner of devices where users may wish to watch content, for example modern cellphones are often capable of playing video.

Such a scheme would effectively isolate the UK from other countries which are using openly available standards for their television broadcasts. This would result in less choice and higher prices for UK viewers, as we would be unable to purchase equipment intended for use in other countries.

The licensing schemes would also prevent the creation of open source software for working with recorded data.

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. Such a scheme, especially one which is specific to the UK will decrease the number of devices available in this country.

Even if the cost of implementing the copy protection scheme itself is negligible, the reduced competition combined with the additional costs of having to produce a uk-specific model of equipment which is standardised elsewhere will inevitably result in significantly higher prices relative to producing and selling the same model equipment worldwide.

Such a scheme would also severely inhibit receivers based on open source software.

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? :

No. As in question 7, while the individual cost of licensing and implementing the scheme may be low, it will result in equipment which is specific to the uk market which will have a negative impact on the economies of scale employed by large manufacturers and thus result in higher prices, and with some manufacturers leaving the relatively small uk market entirely.

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? . :

Not qualified to answer.

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?:

Covered under additional comments.