

**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? :**

No. A lot of the shows that the BBC wishes to show are already available on US terrestrial TV, which does not have usage restrictions.

I believe it would substantially reduce the amount of non-protected material that is available as well, as there would be no incentive for the BBC or other providers to gain the widest possible terms as they would always be able to move to the most aggressive terms if possible.

There is also nothing in the proposal that would prevent the BBC or other broadcasters using it for their own content. The net result would be that instead of having a small proportion of material covered by restrictive usage, it would be likely that a large percentage would be covered.

**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? :**

If a solution is decided upon, then the solution they have proposed is probably the least restrictive, as at worst case it only makes the EPG information unusable, rather than applying encryption to the entire stream which should be unacceptable.

It still has significant negative effects and the best approach would be to deny the change or severely restrict when usage restrictions could be applied.

**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? :**

A requirement that no material that would, assuming good faith, be available without restrictions on HD be subject to these restrictions.

This would probably include anything made by the BBC or the commercial broadcasters in the UK.

**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 will eliminate the use of open-source modifiable HD DTT receivers - the BBC's given solution only covers people who are using the BBC's tables within a shrink-wrapped solution and does not permit usage by those developing open-source software.

Without access to the tables, which would not be provided to members of the public, it would be impossible to modify receivers even if the license to the software mandated this ability due to these restrictions.

This would stop people from being able to develop or enhance their own software and lead to a worse environment for those who wish to use open source software as part of their television

**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? :**

It would help to further eliminate any potential open-source developments for DTT reception.

This would have a negative effect on people wishing to develop their own DTT software running on devices under their control.

The commercial sector would probably be unaffected, however they would have a net disadvantage as there would be a reduction in open source development that they could use.

**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?:**

Despite the lip service paid to open source in the description of their agreement, this only covers open source when used by an organisation. It would prohibit experimentation by individuals who are not affiliated, or at least severely limit it.

I also believe that the proposal, as offered, does not state firm grounds that this is an extreme step and should only be used when necessary - perhaps on a case by case basis and never for UK originated material.

Given the broad rights that this seeks, it is very likely that we would head down the slippery slope sooner rather than later. I think it would be hard for any UK production house that would have no problem at the moment making their material available on BBC HD to not request copy-protection in their dealings with the BBC, which will mean that it is likely it will become the rule, rather than the exception.