

Title:

Mr

Forename:

Thomas

Surname:

Hinton

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:

Yes

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, in the long term I think that rights management technologies will be seen as an expensive boondoggle requiring illiberal legislative support. The pressure on Apple computer to drop their rights management in the face of market pressure demonstrates the presence of a strong market pressure toward open systems.

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, I feel that if a content management system for the output of our public service broadcaster is truly necessary it should at the very least be developed and maintained by an accountable body in the UK, and licensed with minimal or no royalties to UK technology companies. Handing over the keys of our broadcast kingdom to an extra-national conglomerate is not appropriate.

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

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

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? :

License fee payers should be entitled to enjoy BBC content in whatever legal manner they choose, including (for example) recording and remixing arbitrarily sized segments in accordance with the doctrine of fair use, or developing novel ways to use the accessibility features, or developing home-made timeshifting devices or whatever. Rights management features necessarily allow a narrower range of uses than those the law admits because no rights management system can determine the legality of a particular use.

Our rights and responsibilities are defined by the law; the proposed measures must either be able to interpret law on a case-by-case basis, or they are inadequate.

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? . :

I am not qualified to answer this question; however, it will exclude the entire open-source development community from creating technologies which work with the BBC's HD output. It thus effectively prices any open-source solution out of the market.

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, for the same reasons as Q6.

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 don't know about other broadcasters.

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 proposed technical measure has already been defeated by some academic cryptographers, and so can provide no security against any determined infringer of copyright. With the ease of distribution offered by the internet, a few determined infringers are all that are necessary for wide-scale distribution. Since the technical measures cannot work to prevent infringement, all that remains are the chilling effects on hobbyists, small-scale fair users and so on.

The DLTA's lack of transparency (even some of the rules members must follow are secret) is inimical to the principles on which our society should operate, and the principles which the Corporation should embody.