

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:

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. There is now so much content production in HD that there is no issue with the availability of a broad range of HD content. The issue of content management relates only to premium HD content, which forms a very small part of the platform's output. Therefore, we do not see the viability of the DTT free to air platform as being in any way insecure. Furthermore, we observe no restricted growth in other territories where there is also no content protection deployed for HD content.

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, the licence seems to unreasonably tie unrelated conditions to the technical requirements to provide access to the data within the transmitted multiplex, and may therefore be an illegal construction. This is aggravated by the fact that the proposed content management system is not effective and lacks oversight in its deployment at both the content distribution and the equipment side. This, therefore, bears an additional significant risk of distortion of competition.

The fact that the content is transmitted in the clear means that it is freely available to those people intent on making unauthorised copies. We foresee a genuine risk that at some point in the future, the content providers will recognise the ineffective nature of the proposed system. Then, the very content which the scheme purported to protect may be withdrawn by the content providers and the industry will be back where it started. The BBC fails to address this potential outcome in its submission.

The proposal is not an effective content management system. An identical system on Freesat does not prevent the unauthorised retransmission of content across the internet; so it is a certainty that this proposal will be equally ineffective.

We are concerned that communication by the BBC may have resulted in the wrong impression at the content providers if they believe that Freesat's content management system ensures that HD content cannot easily be copied multiple times or uploaded to the internet? (section 1.3 of Annex 6). Any free-to-air DVB satellite receiver without Freesat branding can record, copy and export HD content from the BBC and ITV. There is absolutely no reason why similar products for terrestrial reception will not become available once DVB-T2 silicon is more widely available. We feel it is important that Ofcom understands this point and considers whether the licence change is appropriate for a system that does not work.

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

No, we see it as an abuse of the dominant position of the BBC to force manufacturers to sign a potentially illegal contract.

In addition, it forces manufacturers of integrated televisions (which have no content recording or export capability and thus no need to implement any form of content management) to sign a licence for the Huffman look-up tables in order to be able to present consumers with EPG data from Multiplex B. We understand that it is legally unsound to tie protection of content requirements to unrelated technology requirements such as the compression of unrelated metadata.

We see Ofcom's proposed change in the Multiplex B Licence leading to a distortion of competition. Manufacturers of integrated televisions are forced to sign a licence to fulfil their users' expectations whereas it is unlikely that manufacturers of PC based DVB receivers will consider a program guide feature of sufficient interest to restrict their users' expectations.

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

No, the transmission of compressed SI data on Multiplexes C and D will result in this data being received by the UK's entire population of DVB-T receivers. It is impossible for the BBC or anyone else to guarantee that this will not result in any undesirable behaviour in some of those receivers. This raises the question of who takes responsibility for resolving problems with the legacy receiver population? Manufacturers already incur considerable expense maintaining their legacy receiver population in response to changes in the broadcast infrastructure. It is our view that Ofcom must safeguard consumers' continued enjoyment of DVB-T services without disruption. Therefore, changing the licence terms for DVB-T Multiplexes C and D to allow the transmission of compressed SI data is totally unacceptable.

However, we observe that if uncompressed SI data relating to HD services is transmitted on DVB-T multiplexes, then HD receivers can use this source of SI data and thus avoid the need to acquire a BBC Huffman look-up table licence and implement content management, further undermining the BBC's proposal. Again, this situation in the marketplace leads to distortion of competition.

We are disappointed that this issue has not been considered at all in the consultation document and are concerned that Ofcom appears minded to put the UK's entire DVB-T receiver population at the risk of adverse reaction to the receipt of compressed SI data.

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? :

Consumers are not aware that their use of HD content needs safeguarding as it's just another form of content that they expect to be able to view, copy, and move as they do with any other free-to-air content covered by the payment of their TV licence fee. We would question who has oversight on the encoding rules? It seems that, at a minimum, there is a requirement for clear government issued guidelines that specify what restrictions are appropriate for what type of content/services.

However, guidelines or not, the fact remains that the approach fails to prevent illegitimate use by those intent on copying or uploading. The simple fact is that it is not possible to protect content transmitted in the clear with such a voluntary arrangement.

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. Even the smallest additional cost is not negligible in a market as price sensitive as the UK's. We would also question whether it is acceptable to force consumers to pay for a system that doesn't achieve its stated objective?

Manufacturers may also have to plan for expenses caused by consumer complaints about functionality expected by them that has now been unilaterally taken away from them by the BBC/ rights owners.

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. In fact it will create a two-tier market consisting of those who sign the licence and support content management and those who do not.

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? . :

We cannot answer on behalf of 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?:

Ofcom does not appear to have considered the risk of transmitting compressed SI data to the entire legacy population of DVB-T receivers.

We would question whether Ofcom has taken steps to ensure that the BBC are fulfilling their claim to offer a Huffman look-up table licence under 'fair, reasonable and non-discriminatory terms'. It is our view that some of their terms are unreasonable. For example, it is unacceptable that third party benefits will be given to content partners of CSS and AACS.

We would like Ofcom to specifically consider the case of integrated digital TVs for which content management is unnecessary. These TVs rely on the availability of EPG data in order to provide an acceptable viewing experience to the user. Ofcom's proposed licence change will allow the broadcasters to withhold that EPG information unless manufacturers sign a licence related to content management that is totally inappropriate for their products.

Ofcom refers to the consensus by which the BBC's content management proposal has been arrived at in DTG. Unfortunately, Ofcom appears to be unaware of the fact that manufacturers accepted the addition of compressed SI data into the DTG's D Book on the understanding that it was only for the benefit of efficient bandwidth usage on the platform. It was only subsequent to its inclusion in D Book that the BBC announced that it would withhold the availability of the necessary Huffman look-up tables subject to the signing of a licence agreement. Had the BBC's intention been clear from the outset, we would never have agreed to the inclusion of compressed SI within D Book and the consensus to which Ofcom refers may not have come about.

We have yet to see confirmation from AACS and CSS that use of their technology will be allowed, as it has been forbidden up to now to encrypt content that was broadcast in the clear. We furthermore have considerable, thus far unresolved, problems with the licensing conditions imposed by AACS that effectively make the technology unavailable to us. This implies that the BBC proposal locks [Name withheld] in to a protected domain it cannot get out of anymore.

As a pan-European manufacturer we require common technical solutions that can be applied across all European markets. In fact, in a global context, for an European TV standard to survive it is essential to reach the scale of economy offered by the European single market. National fragmentations will seriously impact Europe's capacity to compete with the rest of the world in terms of innovation. If every European nation comes up with its own scheme for content management, the costs of implementation in products will increase and these will inevitably be passed on to consumers.