

Title:

Mr

Forename:

Tony

Surname:

Whitmore

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:

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? :

The extra expense of maintaining, revising and improving a DRM system will increase the overheads of broadcasters, detracting funds from the creation of 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? :

I do not accept the premise of the question, that HD Freeview needs DRM at all. There exists an established civil law framework in which people breaching copyright protections can be sued. It is this protection which is effective, not the integration of expensive but flawed copy-protection mechanisms into broadcast media.

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

No, for reasons outlined above.

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

No, for reasons outlined above.

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? :

I disagree. The introduction of encrypted broadcasts or programme data would restrict the choice of consumer equipment to a smaller pool of manufacturers selling more expensive devices. It will also exclude a number of open-source systems. This is not protecting consumer interests and legitimate use of content.

I do not believe that an encryption technology will deliver the proposed restrictions in the long-term. The copy protection on DVDs and Blu-rays has been compromised and is now practically ineffective.

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? . :

The encryption system being proposed would only be implemented in the UK, requiring technologies to be specifically developed for this market. This cannot be a negligible cost.

Any increase in unit costs is unnecessary, forcing the consumer to pay for a technology which they are unlikely to want.

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 will harm the market by introducing unnecessary complexities, delays and reducing competition.

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? . :

The requirements of other HD broadcasters may be similar, but they would be better placed to respond to that. However, it is not the interests of the broadcasters which should be considered paramount here, but the interests of consumers.

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?:

Retrospectively adding unnecessary encryption to an active system would be disruptive, uncompetitive and not in the interests of consumers. Any short-term protection gained would be off-set by long-term costs required to keep a complex, but inevitably insecure, system operating.