

**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? :**

Possibly. However, the extra content that these measures would attract (sourced from eg. overseas paid for content, films, etc.), by the BBC's own reasoning is available by many other means. It is purely the BBC's own content which has real value as being unavailable elsewhere. As such, this 'broader' content is not so valuable to license payers as the core content which the BBC would produce anyway.

**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. DRM technologies by their very nature and design are disruptive to the viewers end use of the content. The proposed amendment would enable the BBC to use any DRM system they choose to protect their content. Where does this leave the people who have already purchased (very expensive) HD-capable equipment which does not incorporate the final DRM system which the BBC choose? Unfortunately, other providers (Sky, Virgin, BT) have the advantage that they provide the end-consumer with their own limited range of hardware which by default has the required DRM technologies embedded. The BBC has no such luxury and has no specific right to force users to adopt specific hardware and/or technologies required for DRM protected content. Indeed, its remit is quite the opposite.

If the suggestion is that by restricting the EPG data, the BBC will secure (to some extent) its providers content (as accessed via the BBC's service), this is correct. However, if it is the belief that this will hinder content piracy then this is misguided. There are many sources by which content pirates can access the content which the BBC is hoping to protect, it would be

foolish to think that by the BBC protecting its content such piracy would be hindered to any great extent, whilst forcing a restricting and intrusive DRM system on the vast majority of consumers who wish to use the content in a legitimate manner.

It also provides that the BBC is able to secure its own content - though the BBC say this is not likely, there are no provisions to ensure this.

The proposed system affects the consumer's ability to copy the DRM secured content - which is not against the law when used for personal consumption - thus limiting the user's ability to enjoy the content they are already paying for in the license fee and have the right to do under law.

The most appropriate means for securing the content management system is already in place. Copyright law.

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

No. See above.

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

No. See 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? :**

No. It would endanger and restrict the legitimate use of HD content with very little reward in term of ultimately protecting the content of its providers.

In fact the proposal would have the opposite effect of restricting the legitimate use of HD content for citizens and consumers who are allowed to copy said content for their own personal use. However consider the situation of a family who wish to copy the content to many of their members existing devices - all of these would have to implement the DRM system that the BBC chooses (unlikely) and what's more, the amount of copies able to be made is restricted.

**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? . :**

Yes. However, note concerns above about existing equipment.

**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? :**

Not really, unless you count the ultimate effect that frustration of consumers at having to conform to DRM imposed restrictions will have on sales. In fact, I expect this move would simply serve to further push people away from the BBC to its competitors.

**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'm sure they do.

**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?:**

Other HD TV content providers operate in a closed provision environment, in which it is very easy to implement and control content protection. However, the BBC does not have that luxury but this proposal seems to gloss over this distinction. It is my belief that the proposal will only serve to hinder content consumption by the BBC's users and runs counter to the BBC's remit and indeed, their current strengths.