

**Title:**

Mr

**Forename:**

Jonathan

**Surname:**

Baker-Bates

**Representing:**

Self

**Organisation (if applicable):**

**Email:**

[jonathan@bakerbates.com](mailto:jonathan@bakerbates.com)

**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? :**

No, because we have had audio and video recording equipment for over 30 years. Television and radio programmes have been broadcast unencrypted for half a century. There is no

evidence to suggest that programme making would have been stimulated by copy management during that time, so why now?

**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, because it goes against their charter to provide content to everyone by handing the keys to content provision to a cartel of hardware and software producers. If I want to receive my broadcasts via equipment running Linux, for example, I would be prevented from doing so.

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

I have no comment.

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

I have no comment.

**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, because nothing in the proposal prevents distribution of unencrypted content by other means (ie the Internet). If the BBC wishes to guarantee safeguards, then it must re-negotiate its contacts with providers such that the content it receives does not need protection.

**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? . :**

That seems likely for those in the licensed cartel, while highly unlikely for those outside it.

**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, because use of proprietary DRM systems restricts free software and hardware alternatives.

**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 have no comment.

**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?:**

While the BBC's proposals may make sense to them in the short to medium term, they make no sense in the wider context of proliferating current and future technologies for copying, distributing and encoding content. This, together with the need to allow a vibrant public domain, means that Ofcom must reject their proposals because they are not consistent with a public body funded by the licence fee.