

**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:**

HD and copy management are distinct and separate. The imposition of copy management with HD appears to be an attempt by rights holders to piggyback a new technology in order to further political aims, rather than providing a better service to the UK public.

The issues should be regarded as separate; in which case it is clear that licence-fee payers' interests are not at all served by the imposition of copy management.

**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. HD as a platform is undeniably viable for the future, as opposed - say - to 3D which is still yet to be proven. It is highly unlikely that copyright holders would deny the public content, since they would in such a case be denying themselves their own source of revenue.

**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. While most people will be unwilling to work to circumvent the process, there will always be a large number of technically adept people who are both capable and willing to copy the content for themselves and a wider audience (e.g.: via Peer-to-Peer software over the Internet).

This proposal will add cost to the ordinary user while having little effect in controlling distribution.

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

No. Restrictions on the EPG serve little purpose and are disconnected from the purpose of providing HD content.

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

No. Indeed, the prospect of this 'knock-on' effect from Mux B demonstrates the unnecessary expansion of the idea without justification.

**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? :**

History teaches us that once a principle is adopted, even to a small degree, it is very difficult to prevent each little further step. Therefore, there are no safeguards that are genuinely suitable for implementation.

This proposal harms the consumer while providing little benefit to them in return. The only likely effect is to increase the cost to consumers of the provision of content.

**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? . :**

Highly unlikely. At the moment, there is such competition within the market that Freeview boxes are now extremely cheap. Indeed, this cheapness extends to the fact that many are unreliable and fail after only a year or two.

To add an additional cost would result in one of two conclusions: DTT receivers would become more expensive, or they would become less reliable. It is incredibly optimistic to believe neither would occur; more likely it would be both.

**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? :**

Even more unlikely. As the dying market for Digital Rights Management (DRM) music has shown, if consumers are restricted from management of content to which they are entitled they will simply resort to illegal but unrestricted formats.

**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? . :**

Unknown.

**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 markets of music and video are distinct, Ofcom are respectfully reminded that the concept of copy management for music has been tried and rejected by consumers. In that case, the technology was pushed for by rights holders and rejected by consumers. A similar scenario is likely here.

Were copy management to be implemented it would likely push otherwise law-abiding consumers towards illegal content, undermining the entire concept. Worse, the cost would be borne by those ignorant of such options. The result would be negative for all concerned.

This proposal appears to be made by rights holders for rights holders, with the artificial incentive for consumers that they would have access to greater HD content. This is plainly disingenuous: HD is a separate technology from DRM and need not be muddled together. Furthermore, the implicit threat the HD would be denied to consumers is clearly untrue; market forces would ensure that the consumer is provided with HD content that they demand anyway - legal or otherwise.

In short, there is little-to-no benefit to the consumer or the BBC in this proposal - with only marginal positives for rights holders. It must be rejected for the good of all concerned.