

**Title:**

Mr

**Forename:**

Paul

**Surname:**

Battley

**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:**

The proposal is predicated on the notion that video can be broadcast unencrypted over the airwaves, then locked down at the point of reception, and that this will prevent the further dissemination of the broadcast content. This is plainly false.

The proposed method is an attempt to patch one hole in a very leaky bucket. It will have no effect on the general availability of content via illicit channels. It will, however, inconvenience consumers, tinkerers, and open source developers. These people are not an

enemy that the BBC needs to fight, and doing so is contrary to the needs of consumers, developers, and the long term future of DTT.

**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. Whilst the content providers may threaten to withhold their content unless some kind of copy management scheme is implemented, there is no evidence that this is anything more than an empty threat - indeed, the rejection of the philosophically similar "broadcast flag" in the US does not appear to have resulted in a loss of HD content.

The proposed copy management scheme would shut out open source implementations: open source software cannot meaningfully observe the copy restrictions, nor can it include the copyrighted tables. Open source development will stop or, where it continues, will do so on the margins of legality. This will prevent companies and individuals from taking advantage of open source receiver software to develop novel and interesting receiver concepts. In doing so, the proposal fixes digital television in its 2010 incarnation. This will harm the long term viability of DTT, not help it.

**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? :**

Petito principii. The BBC has not proven that "an effective content management system" is necessary or desirable.

The proposed method is technically trivial and will not be effective: a similar technique employed on Freesat broadcasts was reverse-engineered by open source developers within days of its introduction, and it is reasonable to assume that the same will happen in this case.

The stated aim of the proposal is to ensure "that HD content cannot easily be copied multiple times or uploaded to the internet". I believe that the proposed method will not achieve this. It will have little effect on internet distribution: it represents only a small roadbump to dedicated uploaders.

At its heart, the proposal relies on copyright (on the Huffman tables) to force implementers to produce systems that enforce copyright. Anyone who wishes to ignore the latter copyright need only ignore the former.

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

I disagree with the proposed change. It is a bad faith attempt to work around the letter of the requirement that content be broadcast free to air without encryption, and is certainly in breach of the spirit of this requirement.

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

I disagree. (See answer to question 3.)

**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. By adding technical restrictions, the proposed approach can at best only be neutral in its impact. However, the likely impact will be negative. Computers are bureaucratic and inflexible in their interpretation of rights, and citizens and consumers will be unable to use HD content in all legitimate manners.

Furthermore, the proposal requires that manufacturers comply with the requirements of the Digital Television Group. This delegates the decision on what restrictions must be implemented to an unaccountable industry body which cannot be guaranteed to protect the rights of consumers.

If the amendment is granted, Ofcom should, if possible, ensure that the restrictions are determined by a body accountable to citizens, not by a private industry body like the DTG. The appeals process proposed in 3.16.2 is reactive and therefore unsuited to proactive protection of consumer rights.

Owners of older televisions may find themselves unable to view HD content because their sets lack HDCP connections. The imposition of HDCP will achieve nothing except to send these old televisions to landfill. Anyone wishing to obtain a copy of a programme will be able to do so directly from the unencrypted broadcast signal with a £20 receiver card. This is easier and cheaper than intercepting a DVI signal, which is a technically challenging procedure. Instead of making hardware unnecessarily obsolete, Ofcom should therefore specify that HDCP will not be required for digital connections.

**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? . :**

I disagree. The proposal would make UK broadcasts incompatible with the European standard, hindering the ability of viewers to make use of products produced or purchased elsewhere in the EU. This seems likely to result in increased prices for UK purchasers, at least in the short term.

**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? :**

I disagree. The market will be reduced from receivers implementing the European standard to receivers implementing the UK standard.

**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? . :**

**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?:**