

**Title:**

Mr

**Forename:**

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**Representing:**

Self

**Organisation (if applicable):**

**Email:**

**What do you want Ofcom to keep confidential?:**

Keep part of the response confidential

**If you want part of your response kept confidential, which parts?:**

The email address

**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, but only because content providers are under the misapprehension that the measures would truly protect their content from copyright infringement, when in fact it wouldn't. The

provision may allow the BBC to tick a few boxes on requirements requested by content providers who believe it offers protection. Note that SKY already use a far more stringent encryption mechanism, but it is not at all difficult to record and copy SKY content. The encryption ensures that direct access SKY's content is via a paid for service, but doesn't prevent copying of the fully decoded data. The BBC's scheme would restrict legitimate uses far more than illegal ones, and they have no similar requirement to SKY of needing to ensure their service is paid for (or at least that is not the purpose of their proposal).

**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? :**

Definitely not. The amendment will not prevent copyright infringement. It will always be possible to capture content at some stage after decoding (between receiver and TV via a capture device, or at worse directly from the TV screen). The average consumer - who in any case would not upload content to the web or attempt to sell copied content on a DVD - will just see equipment being more expensive and less feature rich. The copyright infringers will still be able to carry on, just needing to apply slightly more ingenious methods.

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

Definitely not.

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

Definitely not.

**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? :**

Not at all. It will vastly restrict consumers use. Many highly desirable features of PVR equipment involve some form of copying. Also the provision makes no practical provision for the use of opensource PVR software such as MythTV, XBMC etc. I don't believe the problem of ensuring consumers rights to legitimate use can be guaranteed by any additions. The proposal simple has to be dropped. It is unworkable.

**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? . :**

Very doubtful. The proposals will make it very difficult for small companies to break into the market. A few companies will hold a monopoly. Interoperability will undoubtedly be very much hindered. Legitimate passing of content will be restricted to just a few devices. If

anything this will push the public to look to the internet for copies, even for content they already have legitimate access to.

**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? :**

**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? . :**

If they do, it is only because they all share a common misunderstanding of the technical details.

**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?:**