

**Title:**

Dr

**Forename:**

Simon

**Surname:**

Kilvington

**Representing:**

Self

**Organisation (if applicable):**

**Email:**

[s.kilvington@eris.qinetiq.com](mailto:s.kilvington@eris.qinetiq.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? :**

I think you are looking at this from the wrong end. You state you "believe it is important that the regulation of DTT should continue to foster innovation and the development of new

services so that it can continue to deliver maximum value to consumers and citizens". I believe most innovation and development comes from end users being able to use broadcast content in new and innovative ways, rather than from the actual content that is provided. Examples of open source projects such as MythTV, VDR, Kaffeine and my own Red Button software show that allowing end users open access to content fosters great innovation. MythTV offers far more functionality than any Freeview TV set and also explores the possibilities of merging TV and the Internet.

**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? :**

I do not believe the use of content management systems is appropriate on any services provided by the BBC. As a license fee payer, I should be free to view BBC content in which ever way I choose. The easiest way for me to explore new ways of using this content is by feeding it into a computer and processing it with my own or other open source software. This will not be possible if broadcasts are wrapped in proprietary or patent-encumbered content management systems. For example, to write my Red Button MHEG5 engine, I had to pay over £300 to ISO to view the relevant standards that describe MHEG5 and this is a 'publicly available' specification! If the actual content management system (as opposed to the programme guide obfuscation data) is proprietary or patent-encumbered it may not be possible to use with open source software.

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

No

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

No

**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 believe the use of content management technologies will make it impossible for consumers to use open source software to access BBC services. The BBC should promote the use of open, publicly available, standards and technologies in providing their services.

**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? .:**

..:

The use of content management technologies will make it impossible for receivers to interact with open source HD software. Adding an extra level of licensing and software requirements will obviously add to the cost of 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? :**

The licensing arrangements will make it impossible for open source programmers to develop software for using the EPG. Therefore, they will be unable to compete in the market.

**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? . :**

Cannot 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?:**

License fee payers should be able to receive BBC content on any equipment of their choosing. Adding proprietary or patent-encumbered content management systems makes it impossible for consumers to create new and innovative uses of HD content based on open source software.