

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:

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, I disagree. Copy management is not a means of production, so by itself it does nothing except frustrate those wishing to watch the broadcasts or recordings thereof.

The question also begs another question - what is meant by the "range of HD content"? And what would it mean for that range to be broader? The question is phrased with the implication that it is a desirable outcome to "broaden the range of HD content". But I disagree with that implication for the variety of interpretations of range and breadth, of which I can think.

For example, having more HD channels may either be or result in a broader range. However, for a fixed total bandwidth available for broadcast, more channels mean less bandwidth for each channel, and this means the technical quality of the programme will decrease. Indeed, the BBC has recently reduced the bandwidth available for digital channels on FreeSat and thereby diminishing the interest of many consumers in HD.

For another example, If the "range of HD content" refers to the type of programmes broadcast (e.g. news, sitcoms, documentaries, sports...), then it is hard to see how copy management affects that at all. With or without copy management the BBC can broadcast whatever it produces.

Another example, if the "range" refers to the producers of HD content, then it is simply not the case that either the number or breadth of producers depends upon copy management. I am sure that a vast array of producers will continue to offer the BBC HD content, whether copy management is used or not. And as long as the BBC continues to broadcast on DTT then DTT will remain viable "platform". The BBC is funded by the licence payer and has sufficient funding to produce an incredible breadth and depth of (or range) of programmes

and programme types. In principle, it does not need to pay for programmes from elsewhere. If the BBC continues to broadcast content, including HD content, without copy management, not only will DTT remain viable, but I think it very likely that independent producers would still offer their programmes for broadcast by the BBC - very few would turn down that opportunity.

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? :

Not really. Television license holders are entitled to watch and record BBC transmissions (whether HD or not). In that context, content management, were it to be imposed, should be focussed on the licence holders. Given the proposed scheme involves encryption of the broadcast at the point of recording, why not use the TV Licence number (or a unique key generated from it) to encrypt the recording? In that way, the recording is limited to those that have a license for it. GPG (GNU Privacy Guard, free software under the GPL and compliant with Open PGP) could be used for encryption and freely available.

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

No, I disagree with the proposed change. I'd much rather that effort was spent on improving programmes - both technical (bitrate and encoders) and content/type - rather than wasting money on content management, which is of no value to licence payers.

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

No, I disagree.

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, I disagree; the proposed approach does nothing for safeguarding citizens and consumers legitimate use of HD content.

Citizens and consumers legitimate use can be safeguarded without the proposed copy management scheme. The HD content does not need to be encrypted (or "managed" in any other way) for citizens and consumers to benefit from their rights to legitimate use of HD content.

(It might be that you meant the question to refer to safeguarding rights holders interests, but the question does not ask that.)

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?

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No, I disagree. The encryption of the video content is an unnecessary expense, requiring higher performance processors and more computational and electrical power than an unencrypted service. (You can calculate the relative CO2 impact, if you wish!)

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, I disagree. The introduction of Huffman Code licensing unnecessarily complicates the market for HD DTT receivers (and recorders) - some will have it, some won't.

Furthermore, the licensing terms do not appear to be compatible with GPL V3. The terms might be compatible with GPL V2, under which Linux is licensed. But Linux is not the decryption software, it is just an operating system kernel. GPL V3 software is becoming more prevalent, and it is likely that DTT receiver manufacturers (many of whom make extensive use of free software covered by one of the GPL licenses) will be unable to use GPL V3 software, to the detriment of competition and quality within the DTT receiver market place.

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? . :

Possibly, no information is given otherwise. Currently no content management is in place so the proposal to retain the unrestricted copy category permits the status quo, other than the unnecessary Huffman Coding scheme.

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?:

Yes, there are.

The BBC should be required to concentrate on the programme and technical quality of its programmes - is it worth encrypting?!

You have seemingly mixed usage - sometimes referring to "copy management", and sometimes "content management". It can be confusing.

The incessant reference to distribution over the internet is (annoying and) irrelevant to the issue at hand. It implies many things that should be challenged (e.g. that there is any economic impact on rights holders at all) and the BBC's proposal adds nothing to that side debate on whether it is harmful, let alone whether such distribution is even illegal or illicit.

Rights holders have recourse to current law to protect their rights, which are granted to them by the nation for the benefit of the nation: neither copy nor content management are of any benefit to the nation.

