

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. Experience with the 'Broadcast Flag' in the United States strongly suggests that any threat to withhold HD content is an empty threat. Just as in the United States, the absence of DRM (copy management, content management or whatever you chose to call it) on DTT will not reduce the range of HD content available.

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. A content management system has no place on HD DTT. Even if it did, the BBC's proposal does not present an effective content management system. Indeed the massive availability of infringing content through other distribution mechanisms suggests that there is no such thing as an effective content management system.

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? :

No. Citizens and content providers have different views about what uses are legitimate. Citizens tend to think more uses are fair than are strictly covered by 'fair dealing' while content providers tend to use content management to prevent uses that are allowed by fair dealing. The BBC's proposed approach would seem reasonable if taken at face value, but similar promises have been made about other content management systems, only to be broken later. As the proposal lacks any penalty if the content management is found to be overly restrictive it is hard for the citizen to accept that the BBC will keep its promises where others have not. The addition of a strong and rigorously enforced penalty for overly restrictive content management would go some way to regaining trust, but removing content management altogether would be better.

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 find it hard to believe. The price differential between otherwise identical computer motherboards with and without HDCP is not negligible, particularly at the lower end of the DTT receiver market.

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 majority of Open Source licences do not allow the imposition of additional restrictions. Without additional restrictions the terms of the FRAND licence cannot be met.

Regarding linux-based Freesat HD receivers in paragraph 5.28, it is hard to respond as the receiver in question is not identified. It may use closed source software for the TV tuner and content management, as is the case with my linux-based Panasonic Freesat HD TV. It may also be using open source software in violation of the software licence, as Humax, Samsung and JVC are accused of doing (see <http://www.softwarefreedom.org/news/2009/dec/14/busybox-gpl-lawsuit/>)

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? . :

I am not a broadcaster so I can't answer that.

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?: