

What do you want Ofcom to keep confidential?:

Keep name confidential

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

Just my name and 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:

I understand that you are not being asked to comment on DRM of actual programmes, but that is sophistry.

These proposals inevitably lead to a system where it would be very difficult, and illegal, to watch programmes without a decoder licensed by the DTLA.

Most of my answers have been phrased with this in mind.

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.

It would not effect the quality or range of content. In the US, for example, this argument was made, the case was lost, and content was still made available. How else would these "content providers" distribute, if not through broadcast media? Not agreeing to DRM will not change that.

Even if it did, that would not affect the long-term viability of either the BBC or freesat. BBC have a remit of public service broadcasting, not garnering the most viewing figures. They also have a strong tradition of producing their own content-- of which they are in a position to control the license.

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.

No "content management" encryption system will achieve the goal of preventing programmes from being copied by those who are determined to do so. You are broadcasting programs to the populace, and if these programs can be viewed, then they can be copied. (The proposed encryption scheme has, in fact, already been broken in the lab. But this is just a specific example of the general case.)

These DRM systems only succeed in degrading the viewing experience for the genuine, innocent user. You have only to look at the examples of DRM in other media for this to be obvious. We have no reason to think it will be different in this case; quite the reverse.

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

Absolutely not.

Episode Guide data should be freely available. To allow anything else would be counterproductive for the broadcaster, unfair to the users and completely against concept of "public service".

We pay for this content through our license fee. The least that the BBC can do is to freely distribute information about what they are broadcasting, and when.

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

No, since I don't agree with the amendment in the first place.

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? :

This is a loaded question. It assumes that legitimate users need to be "safeguarded". Since unauthorised copying would have no direct effect on them, and the indirect effects are debatable (how much infringement would take place? What would the effect be on the content?), that is not a given.

In any case, since the proposed safeguards would not work, and neither would any other form of rights management (see above), then the answer is, presumably, no.

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?

. :

Absolutely not.

The scheme is geographically limited. That will limit the consumers' choice of hardware -- most/many international manufacturers will avoid making special UK boxes because of the scant returns to their R&D costs -- which in turn will hike up the price.

I also have no doubt it will limit the hardware that the receivers can connect to, with the same price hike resulting.

You need to consider not just the effect on the cost, though. The effect on the choice, itself, is a major degradation in the service.

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, same answer as Q6. The number of suppliers would drop. Choice would drop. HD is an optional extra for most people. I would say that the lack of choice might very well drive people away.

Anecdote: I actually have plans to use freesat, but if this scheme goes through, I won't have interoperability with my other hardware. And since I think that this goes against BBC's public service remit, I will certainly not be investing a lot of money in new hardware to support it.

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? . :

No strong opinion.

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?:

The benefits of Open platforms to the consumer and broadcaster alike, and the long tradition of the BBC in this respect. By open platforms I mean hardware, software and protocols that are not hidden from the community and which can be freely examined and modified by the community.

Open platforms and public service broadcasting go hand in hand. Once again, we paid for this service. Clearly, the BBC has a responsibility to make sure that those that made the content it transmits get paid fairly for it; and that means that the content itself is rarely open. But that the means of our obtaining the content should be, is at the heart of public service broadcasting.

Furthermore, open platforms benefit the content providers. The more and varied ways people

find to legitimately access content, the more involved those users become with the content and the stronger advocates they become of the provider. The provider may get a better platform or additional content with no greater expense than allowing the consumer to provide it.

Example: the MythTV open platform is a way of building a tivo-like set top box from off-the-shelf hardware and free, open software. MythTV users have, with no prompting or help from any content provider, created an entirely new, affordable way to legitimately view programmes.

Example: in the UAE until recently there was a flourishing community of users creating subtitles for TV programmes that did not have them. Again, they did this without prompting, assistance or payment -- indeed, the content owners have now taken significant steps to stop them. Yet it brought their programmes to a vast number of viewers that could not access them before.

The proposal exemplifies an attitude which is the antithesis of Open platforms. I note that some of the DLT rules are apparently bound by non-disclosure, so we don't even have a completely open account of what we are supposed to be being consulted on! That in itself is a separate issue that should be addressed.