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**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? :**

Not necessarily. A platform without content management may have sufficient extra appeal to consumers, as compared to platforms with management, that it obtains a dominant market

share.

In such circumstances, rights holders would need to trade-off the additional protections offered by the smaller players with protection against the additional exposure (and realizable value) of their assets on the dominant, but open platform.

It is not a foregone conclusion that they will choose the protected players if choosing these would limit their exposure.

**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? :**

If the goal is to implement content management, then the proposal is a reasonable one.

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

No.

In the event that content management is accepted as a solution, I believe that the language should reflect in detail, the limits on permitted content management restrictions. In particular, it should state explicitly that the 'Managed Copy' restriction may be used only on first transmission of assets, in order to place a clear limit on the degree to which rights holders can require rights management in the broadcast of their assets on the DTT network.

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

No.

In the event that content management is accepted as a solution, language similar to the amendment I have proposed in Question 3 should be added.

**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.

There are several aspects which I find problematic:

1) It is unclear what power the appeals process would have - as an example, if an appeal found that an unreasonable content restriction had been applied to a broadcast, what redress would there be? The correct solution would be that the outcome of an appeal should be both public (e.g. accessible, freely, on a website) and binding on the BBC.

2) The protection proposals do not really consider the issue of transfer of 'recorded' material

to other devices (e.g. portable media players, mobile phones and the like), or of streaming over home networks.

The D-Book interfaces described (HDMI, DTCP) are not commonly used for connecting such devices - USB is the most common approach here. There is currently no 'standard' DRM system (nor any reasonable prospect of such a thing being made available in a foreseeable timeframe).

This leaves a high probability of restriction of consumer choice regarding compatible equipment and a significant risk of consumers inadvertently spending significant sums of money on equipment which is incompatible.

**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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I agree that the cost impact is negligible.

I do not agree that the interoperability impact is negligible, specifically with respect to 'non-television' devices (portable media players, mobile phones, home network streamers and the like).

**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? :**

I believe that the impact of the proposals on devices using open-source technologies have been given inadequate consideration, on two grounds.

1) There is considerable dispute between even knowledgeable professionals on the exact meaning and scope of some common open source licenses (specifically the GNU GPL and GNU LGPL). While some companies might decide that the Huffman code licensing arrangements were compatible with their obligations under open source licenses, others may not, with potential impact to the market.

2) The proposal does not appear to cover the entirely legitimate situation of those who wish to use open source technologies to construct their own HD media-related systems. Since it is the explicit and stated objective of many open-source licenses to grant the freedom to users to use the code as they would wish it seems that the proposal is contrary to the intent of at least some open source licenses.

This second aspect might be mitigated by requiring the BBC to undertake to provide software to decode Huffman coded EPG data in a binary form for common operating systems and platforms (so that the underlying codes need not be exposed, but the legitimate needs of hobbyists and open-source enthusiasts are met), under a license allowing for personal use only. This would prevent commercial equipment from being made available using this software.

**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 do not have the knowledge required to comment on this issue.

**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?:**

As noted in responses so far:

- 1) Issue of connectivity/compatibility with hand-help equipment such as Portable media Players (iPods and the like), mobile phones and home network streaming equipment.
- 2) Greater consideration to the legitimate uses of non-commercial open-source users.