

**Title:**

Mr

**Forename:**

James

**Surname:**

Deeks

**Representing:**

Self

**Organisation (if applicable):**

**Email:**

**What do you want Ofcom to keep confidential?:**

Keep nothing confidential

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

Contact info only

**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. The BBC has not required it up til now and is a significant organisation.

**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 am of the opinion that there is no appropriate content management of this type.

Particularly, this would prevent license payers \*who have already paid to access all the content\* from doing so without using approved equipment. This will almost certainly increase the cost of that approved equipment considerably, and will prevent license payers from using their own equipment (such as open source DVRs).

If content producers do not like it, then they will simply have to survive without the fairly sizeable DTT audience for their content. The BBC and other terrestrial broadcasters are sufficiently large that they can make a stand on such an issue, and should do so.

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

No. The original Condition 6 stated basically the opposite of this request - if that was appropriate then, it is still appropriate now.

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

All PSB should be free from so-called content management completely. There is no justification for it.

That said, I see no particular reason when any multiplex should be under any different set of rules from the others. I feel that all should be as open as possible, however.

**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 content management system is effective historically. It simply inconveniences legitimate users. Anyone sufficiently interested in bypassing it can do so easily. Virtually all content of interest is freely available on the internet, long before it's broadcast, for those so inclined. The only people prevented from any activity are legitimate users with non-approved equipment.

**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? . :**

No. As a comparison, the high cost of Blu-Ray (and similar) equipment is significantly due to the content management required by the designers. The actual cost is negligible compared to the current price.

Another example: HDMI cabling is in function virtually identical to DVI equipment, with the same capabilities - yet the price of an HDMI cable is ridiculous due to the licensing of various patents and approvals. The requirement for HDMI and HDCP exists only for content management purposes.

There are plenty of examples of increased cost to consumers in this sort of situation. What makes the BBC think this is any different? Any lack of real manufacturing cost increase is irrelevant.

**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? :**

**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? . :**

Overall, this is fairly benign in comparison to how it could be, but still in my mind unacceptable.

If this does go through, I request further amending the proposal such that any content even part-funded by license payer's money is not permitted to have any protection applied.

**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?:**

In summary: no content protection is ultimately effective in preventing copyright infringement. All content management, however well-intentioned, will inconvenience legitimate users. All content management and equipment approval will increase equipment costs.