

Title:

Mr

Forename:

Sean

Surname:

Ellis

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?:

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? :

In the short term, perhaps. But in the medium to long term, no.

DRM schemes have, in general, imposed burdens on consumers, limited platform rollout, and shortened platform lifetime. Additional licensing and implementation costs make DRM-

capable hardware more expensive, and offer less functionality for the end user.

Customers have been burned by proprietary DRM schemes in the past (e.g. Microsoft "PlaysForSure" which did anything but what it said). They are realising that only widely-adopted, non-DRM schemes such as MP3 can be assured to play on not only their current hardware, but future hardware as well.

As a commercial example, note how Amazon.co.uk proudly announce "DRM-free MP3 Music Downloads". If DRM were viewed as a positive attribute by the public, would they do this?

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? :

This begs the question. The BBC has, in my view, not demonstrated a case for a content management system in the first place.

The content management system I favour is one in my hands (i.e. I manage the contents of my own PVR). This is only possible if EPG transmissions are open.

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. The BBC, as a public service broadcaster, should be looking at what is useful to the public.

Speaking personally, I very rarely watch live TV these days. The ability of broadcasters to limit my ability to record or play back TV programmes would reduce, not increase, my access to content.

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? . :

Cost, possibly. Although I would be wary of vendor lock-in and the ability for the technology licensors to increase fees at the end of the initial licensing period.

Interoperability will, of course, be compromised. That is the entire point of a DRM scheme.

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 opinion.

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 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?:

Has the BBC done due diligence on the existence of so-called "submarine" patents in this area? A suitably motivated third party could easily assert a patent against licensees of the technology, forcing up the cost for all concerned.

A classic example of this is Unisys with their GIF image patent.