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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? :**

No. Rights' holders already publish HD-quality material in a number of formats without effective "copy management" (i.e. DRM) on a number of platforms, whether online

(including iPlayer!) or alternative non-DVB-T transmission media.

The viability of DTT as a long-term platform will be down to the quality (both subjective and objective) and range of content available. Filling the bandwidth with poor-quality shopping channels rather than enticing mass-appeal channels is what will doom DTT as a platform. Virgin1 and Dave are both examples of channels which have rapidly grown and gained mass recognition through their availability on DTT.

**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, the term "effective content management system" is an oxymoron. Within hours of broadcast in the US, high-profile shows like Heroes are already available to download at 720P H.264 from BitTorrent indexes and Usenet.

Attempts to enact a similar "broadcast flag" in the US have failed, and it is not worth the BBC preventing the adoption of HD DTT with high-end home-built DVR and media devices running platforms such as MythTV, Freevo, XBMC and Boxee.

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

No. As someone who provides machine-readable EPG information for use in home-brew devices, the obstruction of EPG data not only prevents individuals building their own PVRs using open source software; it also prevents small companies building high-end, custom-built PVRs \*and\* prevents the creation of "mash-ups", merging the EPG data with other data sources to provide innovative data visualisation and analysis.

History has shown that attempting to prevent distribution of digital copies at the HD source is ineffectual.

**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 consumers don't need guarantees about the "safeguard[ing]" and "legitimate use" of HD content.

Those who want to get it illegitimately will do so; and the DRM proposal will only restrict those who wish to act legally.

**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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No. The cost to commercial, mass-produced, HD DTT receivers will - of course - be negligible due to the economies of scale; however the cost will be prohibitive to home-brew DVR developers and small, bespoke, manufacturers.

Interoperability will, by definition(!), be severely impacted - as this is the exact aim of the proposal!

**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 market of mass-produced HD DTT receivers will not be impacted; although the option of buying a device from elsewhere in the EU will be limited and the possibility of small, local, firms building bespoke and high-end HD DTT DVRs using off-the-shelf components will be severely affected.

**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 comment.

**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 "open source" option is limited to the use of open source code in mass-produced HD DTT receivers. It does not address how open source operating systems in normal-, or media-, PCs will be able to access licence-fee paid content in a legal way.