Title:

Dr

Forename:

S

Surname:

Foster

Representing:

Self

Organisation (if applicable):

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. The argument presented for content management is that it would preserve/lengthen the monetisation window for the content and that lack of copy management would make content producers perceive the platform as less attractive. If we assume this to be true, a far more likely outcome is that the appearance of such content would be delayed on the platform. This is the case with SD today (consider the timngs of release of films in cinemas, DVD, premium movie channels, paid for TV and FTA TV). Eventually content makes its way onto non-

protected FTA. The downsides of the restrictive practice proposed by the BBC outweigh the disadvantages caused by any such delay.

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 disagree in principle with any notion that BBC intellectual property, particularly broadcast IP, not be available free of encumbrance for personal use by UK citizens who have paid for its creation. Further, I do not believe the BBC should pay for content to be broadcast under terms which are different from those applied to its own content.

If one must have DRM on FTA content, then this seems the least invasive way to do it, however no content management system so far has been effective against determined attack (particularly by professionals) and this method certainly will not serve as a deterrent to anyone who seriously wishes to use this approach to piracy or even simple sharing, since the content is not protected, only its metadata and then only to the extent of not being able to build the epg.

A far better solution would be to watermark the broadcast both visibly (channel logo) and invisibly (within the data) which would make it clear when something has been copied from Freeview, facilitating enforcement action against the sharer.

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

No, for the reasons given at the start of my answer to question 2.

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

No as I do not agree that the BBC should be applying content management to its broadcasts and this amendment would be required for the proposal.

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. However you look at it, and accepting that the restrictions woudl not change consumers' rights to copy, they will impinge significantly on the rights of consumers ot receive the content in the first place, by restricting the consumer's choice of which hardware/software they use to receive Freeview HD.

This will potentially have a significant effect on those consumers who use open source software to manage, receive and decode digital TV and the proposal gives no detail on how the provisions of licences such as the GPL can be reconciled with the proposed licencing scheme, nor does it give sufficient detail of the proposed licence terms to enable interested parties to determine this themselves.

Ofcom should therefore not approve this proposal unless and until it is clear how the tables will be licenced and what conditions will be placed on licencees.

See also my comments on interoperability below.

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, yes.

Interoperability - it's not possible to tell unless further information is forthcoming regarding the encoding and licensing of the data in question. The problem for the consumer is that interoperability issues will become the consumer's problem - not the content producer (who ultimately will gain the most from this), not the BBC's, not the manufacturer.
It is unfortunately a common issue that equipment from different technology manufacturers does not interoperate sufficiently well, even for technical users. Without a clear and open standard for interoperability such issues are bound to occur.

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 effects on open source based receivers will probably have ony a small effect on the overall market. However for users of such systems it could prevent them from receiving HD through their chosen route.

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? . :

Unable to 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?:

There is insufficient detail in the proposal about how this would work in practice and in particular the effect on consumers' use of non-standard means of receiving HD broacasts, such as the use of open source solutions. Ofcom should not approve this proposal until these details are known.