

Title:

Mr

Forename:

Surname:

Kumria

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? :

No.

The BBC Free to View Ltd (Hereafter BBC), indicate that the HD Content is still possible to acquire - merely that it becomes difficult to do so.

They also indicate that the key concern, for other rights holders - not themselves - is that the

material is not uploaded onto the Internet.

This ignores the fact that material is, currently, routinely, already uploaded to the Internet. This is despite the pre-existing copy management available on the other platforms that the mention (Sky, Freesat, Virgin Media).

Obviously copy management has failed on those other platforms but it has not stopped them from becoming useful platforms. Likewise the absence of copy management on DTT will not hinder its utility.

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.

As mentioned above, no existing copy management system actually works.

The majority of consumers do not have the technical knowledge, or capability, to bypass most copy management systems. However - it only takes a single individual to do this, and then upload the content to the Internet.

The BBC proposal amounts to changing the world to prevent this mythical individual from uploading freely broadcast content to the Internet.

As the BBC is aware, this already happens. Nothing says that this will not happen with their proposed system. All that will definitely occur is added complexity (of broadcasting), added cost (to consumers for set top boxes) for little gain.

Specifically A.2.3 indicates that no matter what the managed signal state of the copy management is, ultimately the responsibility of consumers.

Note that the table in 4.47 indicates that reduced economies of scale -- however that is not an assessment of the cost of the receiver merely a (flawed in my opinion) assumption that manufacturers would asses that there is no market. Likely manufacturers took the same view when making Betamax and HD-DVD systems even if they, ultimately, did not succeed in the marketplace.

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

No.

The change is predicated on requiring copy management. Which I have shown in earlier questions is not something that I agree with.

Additionally, whilst Huffman encoding can be secured - the proposal here envisages a large number of devices which can decode it.

That means that re-constructing the encoding tables is largely an exercise in reverse engineering what is seen on the screen in one case and what can be decoded from the airwaves.

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

No, as per the same reasons that apply in my response to Question 3.

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.

As already indicated copy protected HD content already appears on the Internet -- that is with the existing systems enforcing significantly more burdensome requirements on device manufacturers and customers.

Additionally, the MPAA and equivalent in the UK, have shown that they are largely aggressive in misusing the legal and political systems to press their case for assistance with their existing business model.

Existing copyright safeguard; the right to fair use; time shifting; etc. have been hard won. Whilst they are easily implemented today - technology, and specifically, code -- will be the future of how copyright is actually established.

If you never knew you have a time-shifting or format shifting right; would you miss it? Some people will, but the application of this technology would show that the majority of people do not exercise their rights every day -- which would present a very compelling platform for further curtailment of rights.

I can not see any existing content copy management safeguard functionality that both consumers and producers will have their existing rights and needs respected.

However I believe that producers will follow the market of where consumers are; no matter what legal environment exists surrounding the protection of the content. A good example of this is the content available on sites like YouTube and Vimeo.

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.

No supporting evidence was presented. So it appears to be merely opinion or speculation by the BBC.

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.

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? . :

Unknown. The requirements of other broadcasters was not presented.

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?:

Fundamentally rights can be easily eroded, and have the erosion disguised, by software updates.

Additionally no mention is made of what might happen if a device had its software compromised and, for example, the Huffman algorithm disclosed or it became possible to bypass copy management restrictions.

There is, in the proposal, an assumption that only by delivering ALL available content in HD would DTT be deemed a success.

I believe the criteria regarding successful DTT should be modified so that only content available WITHOUT copy restrictions and in HD be an indicator of a successful roll out of DTT.

We should not have to rely upon organisations like Wikipedia to ensure unencumbered video technologies (i.e. Ogg Theora) which respect my rights exist. The BBC ought to be doing that on my behalf.

Unfortunately they have decided not to -- but fortunately they are required to seek license variations from OfCom; which means that OfCom can compel them to respect my existing rights and not diminish them.