

1st April 2010.

Dear Ofcom,

Freeview HD Content Management Feedback

I would like to express my opposition to the BBC's request (and Ofcom's provisional acceptance) to be allowed to encrypt the EPG data on High Definition Freeview channels.

My position is that of a home cinema enthusiast who has, to date, avoided any investment in High Definition equipment or media solely due to concerns about "copy management" (notably the key revocation feature of BluRay/HDDVD media which could be used to prevent playback of new releases –used in 2007 with the WinDVD and PowerDVD software players).

My opposition to these measures is for the following reasons:

1. It will cause inconvenience to a number of legitimate HD viewers and increase costs to all others.

Viewers who choose to assemble their own media centre systems (using a computer running a GNU/Linux distribution and software such as MythTV) would not be able to access the HD EPG without taking steps to bypass the encryption, or to obtain programme information from elsewhere.

Requiring manufacturers to incorporate "content protection" technology would involve greater costs (HDCP licensing fees, encryption hardware) which would have to be passed on to all other HD consumers. These consumers would have to ensure that any other equipment used for Freeview HD reception (televisions, AV amplifiers, etc) was similarly compliant, increasing their costs further.

2. It reduces the rights of legitimate viewers.

Currently, terrestrial viewers are able to record and playback broadcast content without limitation. Since virtually all viewers are license payers (and can be assumed to have paid for the right to access content produced by the BBC), these rights should not be restricted without some form of compensation to those adversely affected.

No such proposal seems to have been offered by the BBC.

3. The measures proposed are likely to be easily circumvented.

The EPG is a significant convenience feature but not a necessity for recording programmes. Without EPG access, a recorder could still have timers set manually (like a VCR) or could receive programme information from other sources such as a web page.

This means that the BBC's concerns about obtaining broadcast rights (as mentioned in sections 1.3 and 1.6 of their proposal) are likely to apply regardless of whether the EPG is encrypted or not. Mainstream content providers are unlikely to see "weak content management" as any more acceptable than "no content management".

As such consumers will likely see no benefit whatsoever from the BBC's proposals.

4. The fears expressed regarding copyright infringement are not applicable to Freeview.

The release schedule for new content has almost always been film, rental, media release (DVD, etc) with terrestrial broadcast being last.

Therefore any content considered for broadcast on Freeview HD would almost certainly have been made freely available for a considerable period of time, from copies taken of previous BluRay releases.

Denying broadcast rights would be fruitless in restricting copyright infringement, and this should be a far more convincing argument than subjecting consumers to ill-considered (and likely ineffective) content management.

For these reasons, I hope that Ofcom do request the BBC to reconsider their proposals, and require them to give greater weight to the rights of license payers.

Yours sincerely,
Mark Pavlou