

Title:

Mr

Forename:

Tim

Surname:

Sismey

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? :

After reading the BBC's initial proposal, the Ofcom Consultation document and various commentary on this issue, I still am still yet to find a list of rightsholders who have either committed to providing content once the copy management proposals are implemented, or who have threatened to withdraw content if they are not. There is currently no evidence to

support the assertion that the adoption or otherwise of copy management would change the range of HD content available at all.

Regarding the long-term viability of the platform, I do not agree that restricting the technological capabilities of televisions and set-top boxes will help secure this. If anything, it will more likely create a fragmented, confused marketplace.

Furthermore, I do not believe it is the duty of the BBC to help secure the long-term viability of HD television on behalf of private rightsholders.

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 do not. In fact, the BBC don't agree that either. In Alix Pryde's original letter to OfCom, she states that "whilst no system provides a complete deterrent to determined hackers, content management applied in the receiver after reception helps to prevent mass piracy".

This is a fallacy. It only takes one 'determined hacker' to upload the file to a BitTorrent tracker for "mass piracy" to ensue. The idea that in the current, non-copy-protected HD world, thousands of individual users are busy capturing, transcoding and uploading their HD TV streams is laughable. In reality, it is already a few 'determined hackers' who do this, providing the service for the thousands of "mass pirates" who simply download the file. Making it more difficult for these people to legitimately view the HD content will simply push more people to obtain it illegally.

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

I do not.

Aside from the above point re: the efficacy of the suggestion, I believe that it is inappropriate for the public-funded BBC to mandate that televisions, set-top boxes and computer peripherals be manufactured to the specification of private companies. I do not believe this is consistent with their public service remit.

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

I do not, for the same reasons as 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? :

I do not. Currently there is no legal stipulation for receiving BBC transmission aside from the payment of the licence fee. If I were clever enough, I could legally modify my toaster, bathroom scales or dental fillings to receive BBC transmissions (I joke, of course; I have excellent oral hygiene, and have no fillings).

Under the BBC proposal, modifications such as this would still be lawful as long as I continued to pay my television licence, but forbidden by the terms of the copy protection agreement. The process for appeal (and there is a remarkable lack of detail around this process) would seem to me be unworkable as it assumes that individuals will be motivated to appeal their own specific cases. I would suggest that it is far more likely that people with the ability to come up with HDTV bathroom scales are more likely to simply take it upon themselves to find a way around the copy protection in order to get the full use out of their equipment. This is yet another example of how restrictive technologies end up marginalising otherwise legitimate users.

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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I do not agree.

The requirement that receivers will have to be resistant to modification rules out the use of many Open Source and Free projects. People who currently use software such as Myth TV as their receiver of choice will be forced to purchase additional hardware. Given that the licence fee is already a mandatory payment, I do not consider any extra cost imposed on any user to be mandatory.

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? :

Again, I am afraid I do not agree. The copy protection proposal will prohibit any innovation in the area of digital HD reception. As it is impossible to know what kind of clever things clever people will come up with next, it isn't really fair to describe this as a 'negligible' effect. If something like this had been in place in the 1980s, it would effectively have outlawed the development of the Video recorder.

There is also the danger (again) that otherwise exciting innovations will become the exclusive preserve of the illegitimate user, in a similar way to how record companies drove P2P underground by not licensing Napster.

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? . :

I have no idea.

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 only thing that I'd like to mention which I haven't touched on yet is that this has already happened in the US - digital broadcasters threatened to remove their content (in this case, actual named broadcasters threatened to remove actual named content) if a Broadcast Flag was not put in place to signify which televisions were allowed to show the content. The broadcast flag was not implemented, and said broadcaster did not remove said content and digital HD television in the US is alive and well. Our publicly-funded, public-service broadcaster should not be allowed to unilaterally break our tellies at the behest of unnamed content owners.