

**Title:**

Mr

**Forename:**

Brian

**Surname:**

Butterworth

**Representing:**

Organisation

**Organisation (if applicable):**

UK Free TV

**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:**

Yes

**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.

There is no supporting evidence to show this.

When DG Greg Dyke removed a much stronger "content protection" from UK digital satellite services the same claims were made and this simply resulted in a £60m saving for the BBC for the encryption services.

No organization refused to supply content to the BBC on the ground.

These claims are quite bogus and supported by no written evidence whatsoever. They are simply assertions.

**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.

Parliament in the Acts and Orders (and the BBC Charters) makes it clear that the BBC (and other public) services should always be in-the-clear on broadcast.

No direction has been given to Ofcom, Ofcom is simply exceeding the remit it has to make such a change.

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

No.

**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? :**

Firstly, the content is not actually protected, only the EPG.

This means that it can easily be circumvented by the clear-EPGs published elsewhere to obtain the actual programme contents.

Therefore no safeguarding of the content really takes place.

As for citizens and consumers, they have their rights as defined by law, and this system leaves no room for exceptions and other legally permitted uses (such as education), as the "licence" granted for use of the decoding data tables is incapable of any flexibility.

Basically the BBC is trying to define the rights of the consumer, which is actually the role of the law.

**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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Yes.

Free to air devices (such as Freeview) receivers tend to fall in price exponentially over time.

Users will not have access to "generic" devices that work in all territories (as the UK is 1% of the planet's population).

This is basically protectionism designed to allow the BBC to choose the equipment the public can buy, which is not the legal prerogative of 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? :**

It is not really for stakeholders to make such a judgement is it? Is this a matter of opinion, or fact?

**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? . :**

N/A

**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?:**

Ofcom is going beyond the powers delegated to it from Parliament to grant the licence to the BBC, Ofcom does not have the right to change the clear intention of the Broadcasting Acts.