

Question 1: Do you agree with our proposal to create a new innovation licence class?:

Where a unique commercial product requires licensing, assurance should be given that the route to licensing through an innovation licence would be less time consuming than the processes required for a miscellaneous (or any other) licence. The cost basis for an innovation licence is not clear when compared to a miscellaneous licence.

Question 2: Do you agree with our proposal to grant innovation licences on a first-come-first-served basis?:

Innovation licences should be granted on a first-come-first-served basis. If licences are likely to be revoked for spectrum management reasons then commercial and cost issues for the licensee should be taken into consideration during the notification period. On the other hand consideration should only be given to allowing multiple licences in the same band if there is no interference with the requirements of the original licensee.

Question 3: Do you agree with our proposal that innovation licences be service and technology neutral:

Innovation licences should be services and technology neutral. Greater consideration should be given to licences requiring spectrum that are technology driven in specific fixed bands (e.g. SAR satellite frequency bands). In such cases there are often few or no degrees of freedom to use different frequencies within the allocated spectrum. Where a band allocated by WRC for a specific purpose (e.g. SAR satellite frequency bands) priority should be given to those users linked to that primary purpose.

Question 4: Do you agree with our proposal that innovation licences should include a 'non-interference-non-protected' licence condition:

Innovation licences should include a "non-interference non-protected" condition. In granting innovation licences (for the proposed sum of £2000) the user community would require an assurance that the licence would not be revoked, especially in the short term, and that for subsequent applications the original licensees (working in adjacent bands) are notified and given time to resolve any reservations they may have. It would be preferable to have access to Ofcom's future plans for use of spectrum as they become available to facilitate the users planned use of spectrum.

Question 5: Do you agree with our proposal that, in general, innovation licences have an indefinite duration:

We accept the proposal for an indefinite period for innovation licences and the reduction of regulatory intervention to reassign rights for use of spectrum. We would expect to have notification if in the event of a revocation of a licence AIP was to be adopted and that such a pricing policy would not naturally be implemented without consultation following a licence revocation.

Question 6: Do you agree with our proposal that innovation licences have no initial period?:

Innovation licenses should have a minimum notice period enabling a high security of tenure for the development of new product, particularly where field deployment of product is required.

Question 7: Do you agree with our proposal that innovation licences have a minimum notice period for variation or revocation on spectrum-management grounds of one year?:

A minimum notice period of at least one year would be required to allow performance assessments to be made for Space related products (e.g. satellite transponders). It is recognised that a minimum notice period established on a case by case basis could prolong the time to award an innovation licence.

Question 8: Do you agree with our proposals for varying or revoking innovation licences during the minimum notice period?:

We accept the proposal for varying or revoking licences as outlined here but would require consultation on revoking a licence where optimum use of spectrum is considered not to have been achieved (as described in 4.19).

Question 9: Do you agree with our proposal to allow only outright total transfers of innovation licences:

We concur with the proposal for the outright, cost-driven, total transfers of innovation licences.

Question 10: Do you agree with our proposal to charge a fixed fee of £2,000 per innovation licence per year?:

A fixed fee basis for the grant of an innovation licence is acceptable in principle but greater visibility of the fee structure that results in the proposed fixed charge of £2000 would be preferred by the user community. Users would also expect that Ofcom offer management of protection from harmful interference for the proposed fixed fee. Users would also like to know if the proposed fee is negotiable.

Additional comments:

We welcome these proposals, as set out in the Consultation, as a constructive response to the difficulties experienced by organisations such as ourselves who are trying to make use of active devices for limited purposes. We would hope to see this process rolled out as proposed as quickly as possible but not later than the end date of September 2009 for the benefit of the user community