[GB] BBC Authorised to Add Copy Protection to High Definition Freeview Broadcasts

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Tony Prosser
University of Bristol Law School

Ofcom, the UK communications regulatory, has authorised the BBC to add copy protection in the form of content management technology or digital rights management (DRM) to its high definition Freeview digital terrestrial platform. Other Freeview services will not be affected.

The BBC proposed that its licence be varied to allow it to restrict access to broadcast Electronic Programme Guide data to only those high definition receivers that include content management technology. This would enable broadcasters to control the multiple unauthorised copying of broadcast high definition content and its retransmission over the internet. The BBC argued that without the use of this technology the ability of broadcasters on this platform to secure content from third party rightsholders on similar terms to those on other platforms would be reduced.

The application was opposed on the grounds that 'open source' software developers would be unable to develop receivers that access such data if they had to take a licence from the BBC in order to access it. It was also argued by individual consumers that their ability to copy high definition content would be unduly restricted.

Ofcom concluded that the BBC proposal would widen the range of high definition content available on the digital terrestrial platform, in particular high value film and drama content, and that this would bring positive benefits to citizens and consumers and help to ensure that the platform is able to compete on similar terms with other digital TV platforms for high definition content rights. It also concluded that the licence amendment would not impact negatively on the market for high definition receivers in terms of market distortion and price, as the BBC is proposing to licence free of charge the intellectual property rights required to gain access to the data. Open source software development manufactures could also opt for an open source licence compatible with the BBC arrangements. The BBC had recognised consumer concerns and set out a number of commitments towards protecting consumers' fair dealing rights, including the implementation of a good practice framework, a user guide and a grievance mechanism.

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On this basis, Ofcom granted the licence amendment on condition that a licence for data access is provided on a charge-free basis and that restriction of broadcast programme data is only used for the purposes of securing an effective content management framework on the high definition Freeview platform.

Ofcom, 'Statement on the HD Freeview Platform', 14 June 2010

http://stakeholders.ofcom.org.uk/binaries/consultations/content_mngt/statement/statement.pdf

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