

Open Source - Open Standards Conference Wrap-Up



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Conference Chair

- Conference Objectives
 - Understand the problem
 - Identify the technical, legal and political issues
 - Proposal of solutions
 - Coalesce on action
- Conference Achievements
 - Problems are clear
 - Wide agreement on the nature of the problem
 - Open standards are essential
 - We have work to do and a clear charter to do it

- Commerical and proprietary software problems
 - Risks:
 - Isolation, support, IP exposure, cost containment
 - Benefits:
 - Known accountability, limited transfer of exposure
- Open Source software problems
 - Risks:
 - Isolation, support, IP exposure, cost containment, no ability to transfer exposure to a supplier, in-house accountability
 - Benefits:
 - Problems can always be fixed, no lock-in

- In order of perceived importance
 - Intellectual Property Litigation
 - ◆ i.e.: Getting sued by someone
 - Availability of Support
 - ◆ Options and venues
 - Integration Risk
 - ◆ Gaining a fully functional integrated infrastructure
 - Standards Adherence
 - ◆ The alternative is risk of exposure to lock-in

- Open Standards are the sole safe-guard for all perceived risks and exposures
 - Averts the IP exposure
 - Standardization precedes commoditization
 - ◆ Increases competition and support availability
 - Improves inter-operability
 - Eliminates lock-in
- The first step in arriving at open standards is to achieve industry and community agreement regarding what is an open standard

Open Source Principles

1. Licensees are free to use open source software for any purpose whatsoever.
2. Licensees are free to make copies of open source software and to distribute them without payment of royalties to a licensor.
3. Licensees are free to create derivative works of open source software and to distribute them without payment of royalties to a licensor.
4. Licensees are free to access and use the source code of open source software.
5. Licensees are free to combine open source and other software.

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Open Standards Principles

1. Everyone is free to copy and distribute the official specification for an open standard under an open source license.
2. Everyone is free to make or use embodiments of an open standard under unconditional licenses to patent claims necessary to practice that standard.
3. Everyone is free to distribute externally, sell, offer for sale, have made or import embodiments of an open standard under patent licenses that may be conditioned only on reciprocal licenses to any of licensees' patent claims necessary to practice that standard.
4. A patent license for an open standard may be terminated as to any licensee who sues the licensor or any other licensee for infringement of patent claims necessary to practice that standard.
5. All patent licenses necessary to practice an open standard are worldwide, royalty-free, non-exclusive, perpetual and sublicenseable.

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- Working group held on the evening of first day
- Charter:
 - Define what is an open standard
 - Identify the key benefits of open standards
 - Note the key benefits of open public royalty-free standards
 - Identify steps that must be taken to arrive at open public royalty-free standards

- Trying to define an open standard is like the search for a unicorn
 - Elements of *Open*: Is a standard open:
 - By way of the process by which it is developed?
 - Because of who benefits from it?
 - By endorsement?
 - Conclusion:
 - Process is essential during development
 - less important after it is established
 - The working group could not escape the situational orientation that defines an open standard
 - *Open* is an overloaded word

- Key determinants
 - The process of standards development must meet the purpose of implementation
 - Binding to principles is important to all beneficiaries
 - A central principle of Open Source is sub-licensing
 - ◆ The most significant value proposition of Open Source is the fact that every licensee is a potential licensor
 - ◆ An Open Standard must guarantee entitlement to sub-license to a new licensor under terms of original license
 - Issue of rights, ability to exercise, and freedom of use

- Reasonable And Non-Discriminatory (RAND) licensing can not emerge out of an open process
 - RAND is anathema to Open Source
- Anyone must be able to:
 - Participate in setting the standard
 - Implement the standard
 - Redistribute the standard as well as its implementation and implementation guidelines
 - ◆ FREE of any liabilities for payment of royalties
 - Royalties impose fee collection methods and accountabilities that are incompatible with Open Source

- It is not possible to arrive at open standards without involvement from beneficiaries
- Key beneficiaries are:
 - Open Source Community
 - Users
 - The Channel (all middle-people and businesses)
 - Developers
 - Lawyers
 - Standards Bodies
 - Holders of Intellectual Property interests

- Take the principles of open standards compatible with open source to the various beneficiaries
 - Gain further insight into the perceptions of each interested party/person
 - Document requirements for cooperation to define open standards
 - Gain broad industry commitment to creation of open standards

- A series of one day conferences will be held around the world to address the challenges set before us
- The Open Standards Alliance being launched
 - Announcements to follow
 - Seeking funding to create a reference base for open standards and software applications that meet them
 - Dedicated as a not-for-profit organization aimed at bridging the gap between standards bodies, software developers and software users (consumers)
 - ◆ 501(c)3 Registration is pending

Thank-you.

You helped to make this conference a success,
The real work has just begun.