

***“OPEN STANDARDS” IN 2006
(What Exactly Does that Mean,
Anyway?)***

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Once Upon a Time...

- **Standards were usually set by accredited standards organizations**
 - **In the U.S., that meant that they were probably members of, and audited by, ANSI**
 - **They were also subject to ANSI's Patent Policy and its requirements relating to process**
 - **Patent law related mostly to traditional manufactured goods, so one set of rules worked pretty well for everything**
 - **ISO, IEC or ITU approval was seen as the ultimate goal for most standards of international significance**

In short...

***Everyone pretty much had the same
idea of what made for an “open
standard”***

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And then things began to change

- **First, Consortia began to proliferate, and often didn't care about accreditation, or ISO, IEC or ITU**
- **Then, the Technology Transfer Act was passed, and didn't restrict procurement to products that were built to accredited standards**
- **The Rambus case got people re-thinking process points (like disclosure)**
- **Organizational lines blurred as nationally accredited SDOs became global (e.g., IEEE)**
- **And finally, something called “open source” came along**

Until...

Gradually, everyone didn't necessarily mean the same thing when they said "open standards" any more

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So what do we do now?

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Case Study: Open Standards meet Open Source

- **People want to implement more and more software in an open source mode**
- **Which means that more and more software needs to not only satisfy the requirement of open source licensing, but also interoperate with proprietary software**
- **Unfortunately, the two can sometimes seem like oil and water**

What is Open Source Software (OSS)?

- **Two things:**
 - From a development perspective, its *collaboratively created* software
 - From a licensing perspective, it has unique rules intended to ensure that *any one can use it and change it – all without charge*
- **Each of those two things runs afoul of traditional open standards rules to some extent**

For Example:

- **OSS collaborative development operates as a meritocracy, not as a democracy**
 - **It's not who you are, but what you can contribute**
 - **Hence, it tends to be driven by volunteers (although that's less true today)**
 - **Results are also usually driven by a respected “benevolent dictator,” rather than by consensus**

And...

- **The licensing terms are also disjunctive:**
 - **By definition, OSS operates in “royalty free” mode**
 - **Many traditional non-economic terms are prohibited as well, such as requiring downstream OSS developers to obtain licenses from a contributor**

And then there's culture shock...

- **OSS people don't usually know much about open standards, and open standards folks often don't know much about OSS**
- **Open standards process offers flexibility on licensing, but OSS has rigid licensing rules**
- **Open standards focuses on process, while OSS worries about process only from a quality control perspective**

We're not done yet..

- **Open standards give deference to IPR ownership; OSS essentially gives none**
- **OSS wants flexibility to make changes, whereas flexibility in open standards would destroy their value**
- **OSS developers don't want someone else to tell them what they can and cannot implement – but RAND terms would do just that**

But at the same time...

- **Many vendors want to create, or support, OSS, and OSS developers are realizing that they need open standards**
- **End users want the best of both worlds**

So what do we do?

- **Unfortunately, the global standard setting infrastructure hasn't evolved as quickly as business practices have evolved**
- **Instead, we have an accredited world, a consortium world and now an OSS world, and (at best) an ad hoc network of liaison relationships between various nodes in this vast, growing, complex network of activities**

So what do we do?

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That's a really good question!

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The background features a light gray gradient with several overlapping circles and thin horizontal and vertical lines. A prominent, thick, light gray circle is centered on the left side, overlapping a larger, thin-lined circle on the right. The text "So let's talk about it" is centered horizontally and partially overlaps the thick circle.

So let's talk about it

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Want to know more?

- **Visit ConsortiumInfo.org**

- Consortium Standards Bulletin: What Does “Open” Mean? (March 2005):
- Standards Blog: The ODF Saga:
<http://www.consortiuminfo.org/newsblog/>
- News portal:
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