-----Original Message-----
From: RMD [mailto:rmd@luxport.com]
Sent: Tuesday, May 02, 2006 10:32 AM
To: AB93Comments
Cc: AB94Comments
Subject: Making sure you get this...

Just making sure you have all the comments

Internet Handbook

for

Government
Business
Non-Profit
Education
Community
Charity

By Roger Marx Dray

Version Date: 2003-12-15

Internet Handbook

FOR

GOVERNMENT
BUSINESS
NON-PROFIT
EDUCATION
COMMUNITY
CHARITY

Roger Marx Dray

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Roger Marx Dray
200 Central Park South
NY, New York 10019

roger@ogtia.org
www.projectwork.com
www.ogtia.org

You can’t always get what you want,
but if you try sometimes,
you just might find,
you get what you need.

- words popularized in the free world
when globally released via music in 1969

Preface

I would like to thank the world for giving me the fortune to have the tools to put together this book. The world has given me family and friends and all the tools I need. For the language on my tongue, to the clothes I wear, and the house I live in, I thank past generations. For my Compaq portable 286, my Vaio laptop computer, my iMac, my Sony TRV-20, my education, and the Internet, I thank today's generation. The technical triumphs of the human race during the past century has been awesome.

And to those closest to me, I thank you for my inspiration. Inspiration enables me to attempt difficult tasks, and accomplish things through pure determination to not surrender until goals have been reached.

And to those less fortunate than I, I hope that the direction that is contained herein helps the world to embrace correct technologies so society can enable you too, to reap some of the benefits of today's technology.

Even though great technology exists, this does not mean it is put to good use. I hope to help direct the use of technology to create a better world.

- Roger Marx Dray

About the Founder

Roger Marx Dray began investigating and analyzing technology and economics at Emory University in Atlanta, Georgia where he completed two B.A. degrees. One was a joint major in Mathematics / Computer Science, and the other was in Economics. As a freshman at Emory, in 1979, he was one of the first college students who started college with a Dos based PC. Before that time only CPC operating system based computers were available. Thus Roger had the good fortune of being part of the first freshman class in the world who had the opportunity to have a PC at their desk. His first computers were a CPC Digital Rainbow, and the Compaq Portable 286, a great companion that travelled with him throughout the US and Europe.

Combining technology and economics and applying the right incentives to make the technology work, has always been one of his intellectual pursuits. Roger has exhibited the unique ability to excel in different areas that are often thought of as being opposites. He is a computer code nerd, and an avid athlete. He has been called a “hybrid” by his peers in technology, having the ability to code and work very technically, but still be able to lead business analysis through his abilities to communicate effectively with non-technical business executives.

Roger has performed computer technology related services for Fortune 100 companies, as well as small business. He has competently led projects for the best Rapid Application Development companies in the world. Companies and clients he has worked for include United Parcel Service (corporate headquarters), Delta Airlines (Transquest), Turner Broadcasting, Bellsouth, Bank of America, Statefarm, Sapient, Cambridge Technology Partners, WebTV, Medaphis, and Ceridian.

Most of Roger's technology work has been as a Software Architect in lead roles. His background includes Oracle, Oracle Applications, Infranet, Apple Macintosh systems, object oriented languages such as Smalltalk, Objective C, and Java, and web based technologies such as Cold Fusion, TCL/tk, and ASP. He has architected software projects in many various technologies. He worked on air traffic control systems, mission critical financial systems, web based banking and ecommerce. He has created a patent-pending Internet commerce system, the LeadOptionEngine. Roger has been an avid supporter of implementing advanced software processes, such as CMM (Capability Maturity Models). He has also studied Activity Based Costing models intensely.

After living in the day-to-day information technology cultures of many different large and small companies, he is an expert in corporate culture, and creating software systems that people will use. His take charge and first to move approach is well known to those who have conducted intense software design white board sessions with him.

Roger began attending the Berkman Center for Internet & Society at Harvard Law School during the week of July 1, 2002. During the week long session he realized the world's immediate need for the release of the "One World, One Economy, One Internet, One Plan" approach. During this session, Roger introduced the first step of the plan, the "Web Site Ingredients Act". Upon returning from the Berkman Center he released the second version of The Plan over the Internet.

How To Architect & Use the Internet Step By Step

This publication is a small subset of the entire Internet Handbook and only includes information about Internet Legislation and Intellectual Property. The outline of all the topics are listed below:

- Security Legislation for All Jurisdictions
- Spam/Direct Email Solutions
- Global Enforcement of Legislation
- Rewriting All Intellectual Property Laws
- Proper Government Community Involvement
- New Charity and Non-Profit Internet Architecture
- Global Internet Education
- Powerful Internet Labor Marketplaces

It's not the answer that drives us, it's the question.
Knowing the right questions is the answer.

Step 1: Support and Pass Needed Legislation

☐ OGTIA / Web Site Ingredients Act

The first legislation that should be passed should require all web sites that store information from users, to self label their index pages with a standard ingredient level, 1, 2, 3, 4, or 5 that explains how secure the web site is being maintained. Other ingredients such as what business processes the web site uses's may also be included. Sensitive content should be rated like movies from "G" to "XXX". Adherence to regional laws should also be included. Thus if a web site complies with all French laws or Chinese laws, the web site can put this information in the label. This will enable all nations to determine which web sites follow its laws, and which web sites care to comply to International laws. This will help people make more informed decisions and help people do more business on the Internet. The structure of ingredients should be maintained by an organization that is a Global Internet Committee. THE WEB SITE INGREDIENTS ACT SHOULD BE THE NEXT STEP FOR THE INTERNET! THIS ONE LAW WILL SOLVE MANY PROBLEMS AND INCREASE INTERNET TRANSACTIONS! As a matter of fact, an Internet based forum was held at the Berkman Center for Society and Law at Harvard Law School, 2002, asking all 120 participants to suggest the most important legislation that should be passed first for our Global Economy. I suggested the Web Site Ingredients law, and it was voted number one. Participants included law professors, law students, executives from organizations like NPR (National Public Radio) and writers from the Wall Street Journal and other publications.

☐ OGTIA / Financial Data Encryption/HTTPS

Legislation is need that requires all Internet transfers of financial information, like credit card numbers, to use secure methods equivalent or better than 40 bit encryption. This means all web sites

accepting credit cards on the Internet would be required to use SSL, 40 bit encryption or equivalent methods, otherwise the web site would be fined.

☐ OGTIA ISP/Internet Residential and Commercial Connectivity Security Act

Require any company that provides Internet connectivity to offer the option of having security software or hardware installed that will meet a reasonable level of security so the customer knows hackers won't be able to gain unauthorized access into customers' data. This step is important. Many people experience hackers attempting to break into their computers the day their Internet Connectivity is installed, and most people don't even know it. With the right legislation, people's computers will be more secure, and therefore the entire Internet will be more secure.

Step 4: Revamp Internet Intellectual Property Laws, Internet Patents, and Privacy Behavior

♦ Implement a Comprehensive Internet Business Process System that outlines how Internet business processes will be governed and used. The new Internet patent system SHOULD only grant monopoly powers to an organization to REGULATE a business. Monopoly powers should NOT be granted exclusive patents for the USE of a business process. (more detail later)

♦ Create a working Internet based economic system for copyrighted material such as music and literature, and implement government legislation to support this. Define the norms, laws, architecture, and marketplaces so corporations and individuals understand their responsibilities.

♦ Redefine expected Internet behavior as it relates to privacy and what support is needed by new Internet laws.

♦ Define needed Internet browser functionality to ensure user's privacy is properly secure.

Step 1: Government Legislation

Government Introduction

There is so much the government and private sector should be doing to create a healthy economy. New Technology and the Internet will bestow a great deal of economic benefits to all of us. But to harness that power requires work, long term commitment, and common sense. I hope that you help spread the word about what we can all do together to create a healthy economy quickly. Time is of the essence.

Legislation Needed

Three Areas of Legislation Government Needs to address ASAP:

Web Site Ingredients Act

One huge problem the Internet has, is users do not know what kind of security is provided by each web site. If users don't know how secure a site is, they will not be able to make a well informed decision as to whether or not they will use a particular web site. Frequently, users will choose to not use any web site if they don't understand the web site's security features. The lack of security information on web sites dramatically slows up the general public's acceptance of the Internet. Gaining the public's trust of the Internet is a crucial element in quickening the pace of the Internet's acceptance. This is very similar to food. If you go to a store, virtually all the food in the entire store has to have a label describing exactly what's in the food. You pick up a jar of peanut butter, you can see what additives there are besides peanuts. This is obviously fair. If a business is going to sell you food, you have a right to know what you

are buying. Same thing for the Internet. If you are going to use a web site, you have a right to know what the web site is made of, what laws and policies it follows, what kind of data center it resides in, (an apartment or office or secure data center?), what rating it is (G, PG, R, XXX), what jurisdictions it complies with, and all kinds of other web site descriptive information.

Five security levels should be defined by an organization represented by government, business, and community. These levels need to be listed on the Internet. All web sites that accept information from users of any kind should be required to post on its main index page the security level it conforms to according to the government standards (which don't exist yet, but should). These standards should be controlled and defined by an organization similar to the Integrated Nations Internet Commission discussed in Step 3. This will allow users to understand what kind of security web sites are offering. Consumers have a right to know what they are using. If government creates and passes legislation to require all web sites who take data from users to self label their security environment, business processes, and content ratings ("G" through "XXX"), this would allow users to decide which web sites they should use. And this also makes competition more fair. If one web site has higher costs due to better encryption and security techniques, its users will be able to understand their choices. Example: "Joe, I can use this Security Level 2 web site to store my pictures and community information for $22. Now this other Security Level 1 web site costs only $8. I prefer the more secure web site for $22." Without legislation, the user will never know which web sites have adequate security. Some web sites, like banks, need to have Level 4 or Level 5 security. Other web sites, like chatting about sports, don't require that high a security level. Security analysis includes studying two ports. One port, or gateway is the Internet. How secure are the computers from criminals located on the Internet? The other port to the computers is physical location. A criminal can also go through company doors and get physical access to the actual computers in the computer rooms. Some computers are in highly secure areas where ID cards and hand scans are required for entry. Other computers are not in secure areas, and allow easy physical entry. Some systems audit all computer personnel who enter into the computer rooms, what they

did there, and when they were there. Others allow anybody in the company to have access to the computer rooms, and do not track who enters these rooms. To analyze security properly, Internet access and physical access processes need to be reviewed. When government finally passes this kind of legislation, private sector and government use of the Internet will increase.

Multiple ratings can also be used for multiple regions. Business processes that are adhered to, such as ISO9000 and other business processes can also be included in the label. This label should be able to be clicked by any visitor of the web site. Further, in the label, a suggested page to redirect to can be used for compliance. Thus a visitor from France can be redirected to pages that follow French law, and a visitor from Australia can be routed to pages that follow Australian law. Users under twelve years old can be directed to appropriate sets of pages for children. And so on, and so on. Thus each web site can set itself up to have various sets of pages. The Web Site Ingredients Act will solve many problems, like pornography, as well as enabling people to make well informed decisions on the Internet. The label will allow jurisdictions decide which sites to filter, and which to allow access. A jurisdiction can be one computer at a residence, or an entire nation.

Require Encryption (SSL or better) to Communicate Financial Information Over the Internet (like credit cards)

The government should pass legislation as soon as possible making it illegal for web sites to gather credit card and related financial transaction information without proper encryption. Companies and individuals that engage in this kind of practice should be fined. The reason is that the Internet should be a secure place where crime is not only reduced, but sloppy behavior by users should be controlled. Users should not have to be computer scientists just to figure out if their credit card information is secure. In a browser, if SSL is being used, and the status bar is showing, the user is able to see a little lock that is closed. This tells the user their information is being

delivered through a secure SSL connection. There are many users that are unaware of how this security works. They are also unaware their browsers have status bars showing the little lock.

This legislation will make it illegal to send a credit card number over non-secure email. So you would not be able to even send your credit card info in a regular email. This legislation would also require all companies that take in financial transaction information to use SSL or better encryption. Passing this legislation will increase the number of transactions conducted on the Internet as well as help pave a road that users can trust.

Require Companies Installing Internet Connectivity to also Install Firewall Security

Any company that installs Internet Connectivity should also be required to install or certify that firewall security software or hardware is in place at the customer's residence or business. At the time of this writing if a consumer orders DSL or cablemodem service, most Internet Connectivity companies will install the connectivity, but not install any security software or hardware. The very same day a user receives Internet connectivity, the user's system will also experience other computers on the Internet trying to gain access to the consumer's system. Consumers should not have to be software architects or network gurus to be sure their systems are safe. My grandmother should be able to order Internet Connectivity without being ripped off by hackers.

Passing these three pieces of legislation will increase the number of Internet transactions significantly.

Facilitating Communication and Oneness

Oneness refers to the economic necessity of how the Internet needs to appear to users as one entity, and not just a collection of unconnected web sites. If you are looking for a job, and you enter information into one job site, like Monster.com, or Headhunter.net, what should happen, and what does happen is two different things. You should be able to enter in your information once, and instantly all appropriate job sites on the net should know about you and your job request. You should not have to enter in information 10 times. Some emarketplaces fail today, and will continue to fail without

oneness. Oneness is where the Internet appears as one entity to the user. Oneness can become a reality. One way government can help is to store and distribute communication standards for web sites. So if a user wants to create a web site, like a job site, this user will be able to download the necessary interface information to allow this new web site to join the world community on the Internet. Many of these standards have not been built yet. They need to include descriptive data as well as transactional data to allow for the transfer of money for commissions and fees. Most likely this kind of interface will be an XML interface. Government can supply the web hosting for these standards. Oneness does NOT mean only ONE entity exists. It does mean that independent systems must work together as one to create a well working system for end users. As an example, suppose a local city government has standard XML codes posted on their web site. And further, suppose the local government has a list of local web sites. If someone wants to sell their chair, they can put some code on their web site that conforms to the standard. Anyone wanting to look for a chair locally, can use a very simple search robot, to search all the web sites listed, and look on a specific page, (like ogtia.html), where the standard codes are, and in a few seconds people can buy and sell a chair, without the headaches and costs of using some third party web site. It's really quite simple.

What Can the U.S. Government Do To Stimulate the Private Sector to Create Technology Businesses for the Public Good?

The government can create grant programs, tax breaks, and all the other tools government has been using in the past as incentive for businesses to create needed Internet infrastructure and needed businesses that will create jobs. The government can create an Economic Task Force whose mission is to seek out businesses that will help the economy. After businesses are identified as possible candidates the government can conduct economic analysis to ascertain whether or not the business is needed as infrastructure. The government can then label this business, which will help the

business gather investment, and instill public confidence. And further, if the business is really well run and is a needed infrastructure business, the government can even offer a grant to the company.

Government Conclusion

The above mentioned policies will happen because they make sense, and because they are required for the Internet to work well. We might as well work together and make these things happen sooner, rather than later. Companies and government need to be spending their time on building required infrastructure, and creating legislation to guarantee security, and force web sites to afford their users the information they need to make decisions that will increase the number of Internet based transactions. That's what the Internet world should be working on. Please pass this information on, so we can all create a better New Economy, and one that works well. Time is of the essence.

A great government will lead the way, a mediocre government will follow well, and a poor government will not participate.

Step 4: Revamp Internet Intellectual Property Laws, Patents, & Licensing

I would like to thank all the staff and students who attended the Berkman Center for Internet & Society, at Harvard Law School, July, 2002 for the inspiration that enabled me to confidently confirm and finalize solutions to some key intellectual property and patent law problems. The Berkman Center sessions consisted of five days of classes beginning at 9:00am, and often they did not end until late into the night. There was even a full day class on the fourth of July in Boston. We were all motivated. The inspiration generated was appreciated from Dr. Jonathan Zittrain, Dr. Yochai Benkler, Dr. William Fisher, III, Dr. Charles Nesson, and much of the student body which consisted of law professors, executives, students, and writers. This inspiration helped evolve this text to a more mature state.

A Needed Comprehensive Global Internet Patent and License System That Will Work

Patent Background:
The mission for previous patents are as follows:

1. Promote Progress
2. Provide financial incentive to develop patent for use in society
3. Publicly disclose patent for further progress

The Internet is a new territory requiring much different patent legislation than traditional patents. To devise a system that will work will require defining the mission, and objectives, of an Internet Patent System, as well as being able to understand the public reaction new patent legislation will have on society. Should a system be implemented that does not reliably integrate and work within our global political economic system, it will not be used or adhered to in many ways. To understand how important this implication is, think about highway driving. Do you know of any highways where there

are speed limits of 55 miles per hour, but virtually everyone drives 70 miles per hour? If a law does not make sense, the majority of the public will not follow the law. This point is extremely important in implementing an Internet Patent System. Here is what the mission of a new Global Internet Patent System should be:

1. Grant patents for Internet technology where the patent process will help promote, distribute, and regulate where necessary, reliable Internet technology as quickly and efficiently as possible throughout the global economy.

Internet Patents should only be awarded for Internet technology that requires regulation and control.

The monopoly powers granted by a patent should only be for the regulation, auditing, and control of the technology, not for its use.

If Internet technology is patented that doesn't require regulation or auditing control, the old patent system will probably only hinder development, and not promote science as required by the patent system according to its original authors (courts normally don't take this into account). The key here is to understand when a patent grant will hinder, or promote development. In the old days, a patent might be granted to manufacture some product, and a patent might have given the inventor 17 years to exclusively have rights to use the patented invention. This would allow the inventor time enough to develop the invention and reap profits from the invention. At the time the 17 year period made sense. Technology has changed the time period. For virtually all Internet patentable entities, it will take much less time than 17 years to reap windfall profits from a powerful Internet based patent. Old style Internet patents offer society little value, except to create an unmanaged and slow growing monopoly situation, and to hinder Internet development. And virtually all software authors, like from companies like Priceline, don't have the bandwidth and support needed to service all the languages and jurisdictions of the world. It makes much more sense for Priceline to regulate the use of its operation, and have other Internet businesses around the world use its patented process.

So the question is, does the technology need regulation or control? As an example suppose a method of doing business was invented and its rules may need to be rigidly followed for it to work. Further suppose it is a system that allows cooperative functions of many organizations throughout the global Internet. Further suppose that if one organization does not follow the rules, the one organization could jeopardize the success of other organizations using this process. In this scenario, the technology needs to be regulated or controlled in some way. So a technology as described above should be granted a patent because this will help promote Internet technology and science. Under a new more sensible patent system, once the patent is granted, the inventor, by law, should be able to regulate its use by granting the inventor rights to certify through audits that businesses using the patent are using it correctly as intended. This regulation will most likely include fees to be paid to the regulation organization, and this is the incentive for inventors to patent and implement the system. This same scenario also shows how the GPL (General Public License) is a very poor license for many kinds of software, and its architecture allows bad quality or criminal quality to perpetuate. The Regulated Public License is a much more sensible approach. This is also discussed later.

For business processes a patent should NOT grant the Author a monopoly on USING the patent, the patent should ONLY grant the author a monopoly on REGULATING the patented business process. The regulation of a business process patent on the Internet can offer the Author enough incentive to implement a regulation system. Described in the Internet patent should be a maximum regulation fee that can be charged to users. Such a scenario will promote the advancement and proper regulation of business processes on the Internet.

The term of an Internet Patent should be set by the Patent Office according to what makes sense. A 20 year term will probably never make sense for most Internet patents. In the past a 20 year patent term was reasonable for many industries. But for most Internet technology a 20 year patent term is much too long Terms for patents could vary from 1 year to 20 years, depending on what makes sense.

Given a patent should offer the inventor a monopoly for a limited time to regulate the use of the technology, and given the Internet

enables some businesses to develop extremely quickly, an Internet Patent expiration date should reflect the new order of Internet time. Setting an expiration date of 20 years or thereabouts for many global Internet Patents will not promote the development of technology, but hinder it, by keeping global competitors out of the marketplace long after the patent owner has had the opportunity to reap enormous profits.

Should an Internet patent be granted according to the rules of traditional patents which only allow the inventor and its assignees to use the patented business process, this will drive competitors to try to circumvent the patent system, which is possible through hosting Internet operations in non-patent abiding nations. And once the patent expires, anyone could use, properly or improperly, the patented business process without regulation. Where traditional patents focus on who is allowed to USE the patent, Internet patents should focus on who is allowed to REGULATE its use. One important realization in developing a comprehensive patent system is that people will not and can not abide by rules of a system that does not work. Hence, creating a patent system where the owner has adequate time as a monopoly owner to regulate and profit from such regulation, and where competitors can enter the marketplace in a reasonable amount of time to also regulate, is extremely important in creating an Internet Patent System that will most benefit society and the economy.

The Internet adds a new twist with regards to patents, which is the need that patented business processes may require auditing and regulating to ensure the business process system will work. Much like the Federal Reserve regulates banks, some business processes need regulation and control. A fee for administration and auditing can supply the funds needed by the auditing or regulating organization to perform its regulatory function and to profit enormously from the venture. This scenario is very similar to the registration of domain names. A patented process can require its uses to register its use, and charge a fee.

Thus under a revamped Internet Patent System, the Patent Office can deliver the following kind of stipulations in our example:

Business Process 542 has a patent with the following stipulations:

1. The term of the patent shall be seven years.
2. The term that the patent owner shall be able to regulate and audit its use shall be for seven years, renewable for another seven years as long as the patent owner or its licensees have reasonably regulated said business process.
3. The administration / regulation fee for registrants shall be $500 annually per registration, plus a 3% transaction fee. This will endure for seven years.

This concludes this example.

It's important to understand that the study of Internet Law as it relates to patents should go beyond just defining what Internet legislation should be passed, but needs to include how the entire system will work. Once the entire system is defined as it should work, government can then decide which roles it will play, and which laws need to be passed to help promote Internet technology deployment.

Another Example:

Let's see why a "one click purchase system" should not be patentable:

1. First it is obvious. It is plainly obvious that providing the least number of clicks to purchase is a good idea. So even under traditional patent law this patent should not be granted.
2. Second, it does not require significant resources to implement and develop into our culture. There will always be some people who will argue that is does take considerable resources by presenting scenarios that cost money, but this does not prove it REQUIRES significant investment. To show it does not require significant investment, only one scenario proving this needs to be presented.
3. Granting a patent to such a system will hinder technology advancement, and few people would respect or adhere to patent laws concerning this patent. Companies would implement their own one click purchase system regardless of what the courts do.

4. A one-click purchase system will never need regulation or auditing.

Aside from being obvious, a “one click purchase system” does not take weeks or months or years of time to gain public acceptance. And it would not take any significant financial investment to implement such a system.

Another Example:
Priceline’s Reverse Auction Patent System Making More Sense:

1. A reasonable term on this patent would be seven years. That is enough time to for PriceLine to build a regulatory organization to regulate the licensee’s use of the business process and be able to profit from the costs to implement a regulatory system.
2. In contrast to granting PriceLine monopoly use of its system, our new patent system would only grant a monopoly on the regulation of the reverse auction system. As of six years after Priceline received its patent, PriceLine was English only, and did not adequately support Europe, Africa, or the Far East. Though Europe is currently included in its hotel room choices, only the major cities are included. If PriceLine’s business process was patented according to the stipulations of the new patent system described herein, its implementation would be more widespread, and PriceLine would also be able to profit from regulating its system, and not just implementing it. Users throughout the world would gain the advantages of the PriceLine system much sooner than PriceLine’s current system of expanding its business according to old style patents. According to the new patent system PriceLine would create an auditing and regulating organization to audit the PriceLine system vendors. This would ensure that an unscrupulous vendor in Africa or the Far East was not using the system unfairly to route hotel room purchases to hotels of the vendor’s choice rather than according to the agreements the vendor has made with

area hotels. The new patent system would also allow for the rapid deployment of the new technology by allowing other businesses to implement the inventor's system.

Prior to receiving a patent, or instead of obtaining a patent, software systems that require regulation can distribute to the world using the Regulated Public License. The Regulated Public License is created for Marketplace Software (or other software) that requires one or more functions to remain the same throughout the life of the software. "Participants" refers to users, vendors, and Marketplace Software implementers. "Author" refers to the original author or their assignees. Thus the following changes to GPL are required for these reasons:

1. Changes to the Restricted Functions may cause unfair use of the marketplace for some of its users.
2. Unfair or criminal use that may occur due to unauthorized modified Restricted Functions may detrimentally affect other Participants by degrading the reputation of the Marketplace Software, as well as unfairly or criminally affecting the participants of the Marketplace Software.
3. Given that servers running such Marketplace Software have core functionality where these servers may communicate with other servers running the same software, unauthorized changes to the Restricted Functions may cause detrimental affects to users and other marketplaces running the same Marketplace Software. Thus unauthorized modifications of the Restricted Functions by one author may cause detrimental affects of Participants that use the Marketplace Software on one or more servers.
4. The Author requires that they have the ability to ensure all users of the Marketplace Software that the marketplace functionality of the Restricted Functions will always work as intended.

Thus the following license changes have been added to the GPL to create the RPL (Restricted Public License):

1) Only the original author, or their appointed organizations, may change or update the following Restricted Functions:
<The functions are listed here>
2) Further, it is prohibited to create code or functions that undermines or changes the intended functionality of the Restricted Functions.
3) Should a defect be identified and repaired or removed by the original author, or their assignees, and a new version of the Restricted Functions is made available, users agree that they will upgrade their Marketplace Software with such new version within 90 days of the time the author or its assignees make the new Restricted Functions available on a web site over the Internet. The user agrees it is their responsibility to check the Author's web site for new Restricted Functions.
4) Should an upgrade of the Restricted Functions be created by the Author, and the Author makes available the upgraded Restricted Functions, the users of the marketplace may, at its option, upgrade their version of the Marketplace Software.
5) The Author is required to maintain a list of email addresses, where users of the Marketplace Software may enter their email addresses on a web site on the Internet, so the Author has the ability to email users of changes. The Author agrees to attempt to contact all active users on such email address list, by email, to inform them when a new version of the Restricted Functions is made available. The Author is not required to ensure users receive any emails, given that there are a plethora of situations that may occur which prevent a user from receiving an email.

Patent Conclusion

There probably will never be a good reason to grant an inventor monopoly powers over the use of its patented process. There are windfall profits to be made through the regulation and auditing of Internet technology. So it is not beneficial nor necessary for an inventor to have monopoly power over the use of its patented process. Just the regulation of its patented process will facilitate high profits. To properly and quickly implement an Internet technology system to Internet participating nations, it is necessary to support its implementation by many organizations from many nations, and

regulate and audit its use. The wrong Internet or business process patent system will always hinder development and advancement of the Internet. And the wrong system is in place now, at the time of this writing. Both the current patent system and the General Public License, needs to be replaced by a new common sense based patent system, and the Regulated Public License.

Partnering with your competitors may be the only way to build an Internet based emarketplace that customers find efficient and worthwhile.

Proposed USPTO Changes & Internet Related Legislation

To: Committee for Government Reform, USPTO, Patent Agents/Attorneys, Inventors and Associated Organizations

Compiled by
Roger Marx Desenberg
Internet Architect, Economist, &
Software-Business Method Inventor
Berkman Center for Internet & Society at Harvard Law School Member

March 23, 2006 ver 1.0

roger@desenberg.com
www.rogermarxdray.com
http://cyber.law.harvard.edu/home/

Audio Available --> http://www.rogermarxdray.com/uspto.html

1-718-701-4977

Internet / Patent Changes

- USPTO changes to procedures, applications,and rules
- Needed Internet specific legislation as it relates to USPTO changes

The 4 Most Important Patent Rule Areas Needing Change

- "Monopoly Patents or Nothing"
  This scenario is no longer adequate, especially for business method patents.
- Instant Protection
  Inventors need, and the USPTO should provide, a way to obtain Instant Protection on an invention.
- USPTO Capacity for High Quality Work Needs to Increase
- Average time of Initial Prior Art searches need and can be performed in under 30 minutes.

Additions Needed by the USPTO

- Add
  "How what is claimed, will be distributed" section
- Add
  Better Instant Protection
- Add
  - Patent Examiner Teams
  - Patent Object Oriented Model of Claims for Instant Prior Art Lookup (POOM)
  - Manage patent application priority through a Market-Driven Quality Process
  - Agile Fee System to Support Market Driven Non-PreDefined Patent Application services
- Add
  30 Day Rule - Respond Every 30 Days

Why the New Distribution Section in Patents?

- The wrong reason, and the wrong direction, and incorrect criteria to grant a patent:
  "Every inventor deserves monopoly rights on all of their ideas"
  This statement is incorrect.
- Focus is best directed by the question:
  "How can the patent be best used to distribute the invented technology successfully and rapidly throughout society using economically fair methods?"

No Patent Distribution Surprises

- Patents have tremendous rippling affects in the national and international economies and business community.
- The USPTO should add the "How the invention will be distributed" section. Can be voluntary for some arts and required for other arts.
  - Examples:
    - Robotics - Voluntary distribtution section in application,
    - Business Methods & Software - Required distribution section in application.
- This will enable the USPTO to issue better patents, better for the inventor, better for the courts, better for companies licensing the invention, and better for its consumers.

Patent Distribution Section Goals

- Each patent issued should, in some way, help the invented technology be distributed responsibly and rapidly throughout society.
- Each patent issued should improve at least one business sector or help the economy in some way. Patents should not be granted in situations where the issuing of a patent hinders the development and distribution of valuable technology.

Implementation of New Distribution Section:

"How, what is claimed, is distributed:"

- Introduce as voluntary section after the claims. Inventors, in the beginning, are not required to fill in the distribution section.
- Provide education and communication to patent community that applications that submit the new distribution section will have priority, and that such patents will have better protection in the court system.

How, what is claimed, is distributed:

- This new section will include a high level description of how the technology will be distributed. Possible subject areas:
  - Monopoly / Licensing / Competitive Marketplaces
  - Fee Structure
  - Rapid technology deployment plan
  - Plan for Current Infringers
  - International plan

Distribution Plan Benefits

- Patent scope can be restricted to distribution plan
- Patent scope can be unrestricted by distribution plan
- The Distribution Section will encourage inventors to find reasonably effective, prosperous, and economically fair distribution plans.
- Issued patents will experience stronger protection by court systems.

Additions Needed by the USPTO

- √ Add
  "How what is claimed, will be distributed" section
- Add
  Better Instant Protection
- Add
  - Patent Examiner Teams
  - Patent Object Oriented Model of Claims for Instant Prior Art Lookup (POOM)
  - Manage patent application priority through a Market-Driven Quality Process
  - Agile Fee System to Support Market Driven Non-PreDefined Patent Application services
- Add
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Provide Better Instant Protection

- Create a system where an inventor has some protection rights on the day of filing the first provisional or non-provisional application.
- Enable inventors to legally fight for their rights to their inventions immediately after filing a patent application.

Prepare for Flood of Instant Protection Examinations

- Create a system of patent office fees and infrastructure where fees charged to inventors will adequately pay for the patent office and court systems or other arbitration organizations to quickly provide a rejection or acceptance as to whether or not the inventor's patent application is being infringed upon and decide if immediate intervention action is appropriate.

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USPTO Market Driven Efficiency

- Examiner Teams vs Single Examiners
- POOM
- Manage patent application priority through a Market-Driven Quality Process
  - Priority of Examination
    Three Quality Numbers Determine Priority
    - 1. Quality of Economic Value to Society
    - 2. Quality of Prior Art Lookups
    - 3. Quality of Technical Description
- Agile Fee System to Support Market Driven Non-PreDefined Patent Application services

Examiner Teams vs Single Examiners

- Examiner Team Org Chart Samples
  - Sample One - 18 Member Team
    - Sr Patent Examiner & Sr Patent Project Manager
      - 8 Mid Level Experienced Examiners
      - 4 Jr Level Examiners in Training
      - 4 Administrators
  - Sample Two -

Examiner Teams Conclusion

- The USPTO can experience the same increase of efficiency as US corporations who implement teams.
- Junior patent examiners will not be left alone to examine
- Helps training process tremendously
- Leverages experienced patent examiners

2.5.1

Prior Art Searches in 5 Minutes for Business Method Patents

- Create Patent Object Oriented Software for Business Method Repository (POOM)
  - WHY????
  - To search better, two approaches are possible:
    - Create systems to search and decipher current claim language and issued patents
  - OR
    - Create New system of data entry, enter the invention in a new way technologically that enables quick and accurate prior art searches. Claim language alone is no longer adequate.

2.6.0

Classifying Internet Patents

- Old System
  - Invention Itself
  - First Provisional Application
  - Claims Issued
  - Drawings
- New System
  - Invention Itself
  - First Provisional Application
  - Claims Issued
  - Drawings
  - New Distribution Section
  - Patent Object Oriented Model (POOM)

Object Oriented Model Benefits

- Reliable Prior Art searches in under 10 minutes.
- Guarantee of uniqueness of patents
- Accurate mathematical description of invention

Patent Object Oriented Model (POOM) Challenges

- Gathering support from the US Patent Community
- Providing education to enable the proper input of data into US Patent Object Oriented Model System from the information contained in the patent issued or the patent application.

Software Development Expenses of the Proposed U.S. Patent Object Oriented Model (POOM)

- Surprisingly small expenses to create new software system - Many software systems already written can be modified slightly to meet the needs of the US-POOM.
- Surprisingly high expenses to train new workers on how to use the the new POOM system.

Priority of Examination: Determined by Separate Quality Numbers

- 1. Quality of Economic Value to Society
- 2. Quality of Prior Art Lookups
- 3. Quality of Technical Description

Different Art / Different Priorities Examples of Possibilities

- Business Method / Software Priorities
  - 1. Economic Value Quality
  - 2. Prior Art Lookup Quality
  - 3. Description of Invention Quality
- Biology/Medicine
  - 1. Description of Invention Quality
  - 2. Prior Art Lookup Quality
  - 3. Economic Value Quality

Who Calculates the Quality Numbers?

- 1. Inventor (required)
- 2. Patent Examiner (required)
- 3. (Optional) Private Economic Study paid for by inventor
- 4. Other?

Who's set of numbers does the USPTO use? A weighted average? These decisions can be made internally by the USPTO, and can be different for various arts or various patents.

Another idea - Inventor could provide economic value, patent attorney could provide prior art lookup quality and description of invention quality, and patent examiner can provide all three quality measures.

Priority of Examination by Quality Measures Conclusion

- It is an easy task to recognize that patent applications should be examined according to quality measures.
- It is a difficult task to obtain objective numbers that give an accurate quality representation of the patent application and the invention.
- The USPTO can provide questions sets online to guide the quality measures.

Non-PreDefined USPTO Fees

- Provide special fees to be paid for non-predefined situations.
  - Enables an Agile Market Driven USPTO System to Work Efficiently at Various Demanded Levels of Capacity

2.8.0

Additions Needed by the USPTO

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2.9.0

Why 30 Day Rule?

- Legitimate patent applications representing legitimate inventions need the USPTO to start and finish an application without ongoing interruptions.

Proposed 30 Day Rules

- USPTO must grant 30 Day Rule Status to each legitimate patent application within a reasonable period of time based on resources and work loads and the patent's priority status.
- The USPTO must respond within 30 days to all Office Action responses when the patent application is in 30 Day Rule Status. The USPTO decides which patent applications are granted 30 Day Rule Status.
- The patent application representative must respond to the USPTO within 30 days after receiving a 30 Day Office Action to maintain its 30 Day Rule Status

30 Day Rule Benefits

- USPTO becomes more efficient as examiners stay focused on applications until they are completed.
- Inventors can start and finish a USPTO application process without ongoing interruptions that are extremely unfair to the inventor and the examiner.
- Forces decisions to be made quickly by examiners and inventors to help distribute technology rapidly.

2.9.3

Additions Needed by the USPTO

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2.10.0

Patent Rule Changes Conclusion -1

- If the USPTO can successfully grant and issue patents where distribution is properly directed toward rapidly distributing the technology invented, instead of only being enabled to either grant monopoly rights, or issue a final rejection, the world economy will benefit.
- If the USPTO can deliver quality patents the courts respect, in a timely manner inventors appreciate, and provide near real time prior art lookups, everyone will benefit.

Patent Rule Changes Conclusion -2

- The four changes
  - New Distribution Section
  - Better Instant Protection
  - Prior Art Patent Object Oriented Model Input
  - 30 Day Rule

will provide the solutions needed by the USPTO, by inventors, and by the public to rapidly, fairly, and quickly implement and distribute invented technology to society.

Internet Legislation

- Web Site Labeling
- Secure Access Guaranteed and Reasonable Liability of ISP
- Digital Divide

Web Site Labeling

- Every website can be required to self-label themselves. Just like when buying food at a store, every package must have a label describing the ingredients in the package. Same with Web sites. Every web site should have a label describing what's inside.
  - Ethical
  - Creates quicker searching
  - Enforces responsibility
  - Enables filtering
  - Helps Ethics & Values & Class of USA
- See www.ogtia.org for example of web label software

Internet Access Security Responsibility

- Require ISP's to provide a reasonable level of security to its users, and if this reasonable level of security is not met, ISP's will be penalized in some manner.
  - Helps Homeland Security Initiatives
  - Protects non-savvy computer users
  - Increases commerce due to more trust of systems
  - Decreases Internet Crime Activity

Digital Divide

- Require, by law, that the federal or state or local governments must spend a certain portion of some budget on making Internet accessible computer time available to low income areas, and to the general public.
- Give businesses incentives to create publicly accessible Internet kiosks, where at least some of the kiosks accept cash for computer time.

Conclusion

- Modernize patent application process and procedures.
- Pass needed Internet Legislation
- Enable the USA to be a responsible and advanced leader in Internet technology and provide a sound Intellectual Property model for other countries to emulate by enacting proper legislation and improving patent processes.