

Summary Statement:

Open Source, Open Standards Conference

Scottsdale, Arizona, September 15, 2004: The conference *Open Source, Open Standards: Maximizing Utility While Managing Exposure* took place this week at the Fairmont Scottsdale Princess resort in Arizona from September 13-14, 2004.

Seventy-five people traveled from as far away as Europe to discuss challenges facing Open Source and look at possible solutions, including standardization. Regrettably, some invitees from the East coast of the USA could not be present. Attendee's thoughts were with those whose families, friends and homes have been affected by the severe weather conditions.

This unique event brought together prime movers from standards setting organizations such as W3C, ECMA, ETSI, and OMG; CIOs and CEOs as well as representatives from a broad spectrum of industry including banking and finance, software development, manufacturing, public service, government, universities, law, and representatives from key Open Source organizations such as OSSI and the Free Standards Group.

Opening keynote speaker, Larry Rosen, proposed the principles for open source standards development. Bruce Perens opened the first day afternoon proceedings by predicting that standards organizations will serve as a pawn in a battle between competing organizations. He suggested strategies for ensuring that these standards organizations did not become exclusionary. Glenn Otis Brown, executive director of Creative Commons, in opening second day discussions explained how his organization tackles often complex intellectual property issues across industries to provide open source style licensing to a variety of works, excluding software.

The panelists came from a wide spectrum of the software industry and user community to address the challenges and possible solutions to facilitate the adoption of open source. The conference sessions began by exploring the key challenges to Open Source software and then took a look at how the lack of open standards for Open Source software is contributing to these challenges. Implications of the challenges for open source adoption were discussed in the afternoon and strategies for strengthening open source were proposed the following day. In the end, the meeting placed great importance on the necessity of collaboration between the open source software community and bodies that have a vested interest in open public standards.

The conference facilitated interactions and discussions between the users, the open source community, ICT vendors, and standards organizations. A number of attendees commented on the unique opportunity to network with an eclectic group of people largely contrary to initial audience expectations. One member of the audience in particular commented that it was a surreal interchange with both ends of the spectrum and regarded the discussions as exceedingly valuable. For the first time, the issues and concerns of the user community were examined in conjunction with concerns around intellectual property preservation, business risk and exposure, business problem resolution, and the impact—or potential impact—of open standards was publicly recognized.

Larry Rosen proposed five normative principles for open standards that are compatible with Open Source software licensing. The five principles of open source software are:

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.

Compatible principles for Open Standards are:

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 the licensee's 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 sub-licensable.

Rosen hopes these principles will serve as a starting point for discussions on how the two communities can work together to realize the benefits of open standards while preserving the unique value and culture of the open source community.

The meeting coalesced around Rosen's observation that traditional IP protective measures, including licensing, are based on an underlying notion that a consumer or user is always a licensee. The Open Source paradigm challenges that traditional perception with the principle that every licensee is a potential licensor. Therefore, a successful standardization process for Open Source software must accommodate this fact. Potential sub-licensing is the principle that lies at the heart of the value proposition that open source software provides to the end user.

The conference reached the consensus that:

- a. The problems of software use in general, and of open source software in particular, were adequately defined.
- b. The issues touched by each of the problems were sufficiently realized.
- c. The issues and their long term implications, must be further documented.
- d. A tractable solution has been proposed: open standards are the natural concomitant of Open Source software and a necessary preservative of the ability of organizations to use both Open Source and proprietary software.

The conference concluded with a challenge by the conference organizer, John H. Terpstra of Primastasy Inc., for delegates to digest the challenges and preemptive proposals made before reconvening for a follow up meeting to agree on an acceptable, cogent definition of open standards and set in motion a plan necessary to create open standards for all software, especially Open Source software, where none presently exists. That plan is the charter for the Open Standards Alliance, which became an active organization at the conclusion of this, its inaugural meeting. The Open Standards Alliance aims to operate with an industry-wide panel of companies to steer open standards throughout the software industry.

Conference presentations and photographs will be made available from <http://openstandardsalliance.org> – interested parties should monitor this site, or write to jht@openstandardsalliance.org for further information.

Authorized by: John H Terpstra for the Open Standards Alliance.