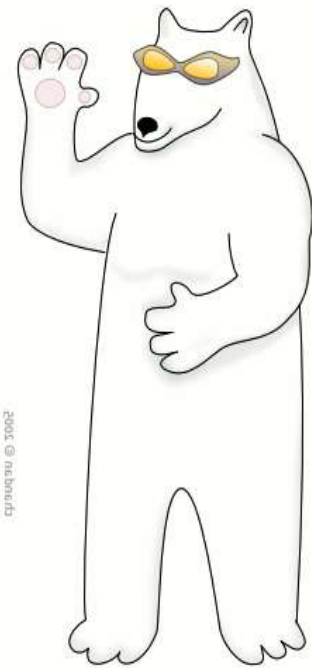


The Zen of Free

Observations from a new bear

Simon Phipps

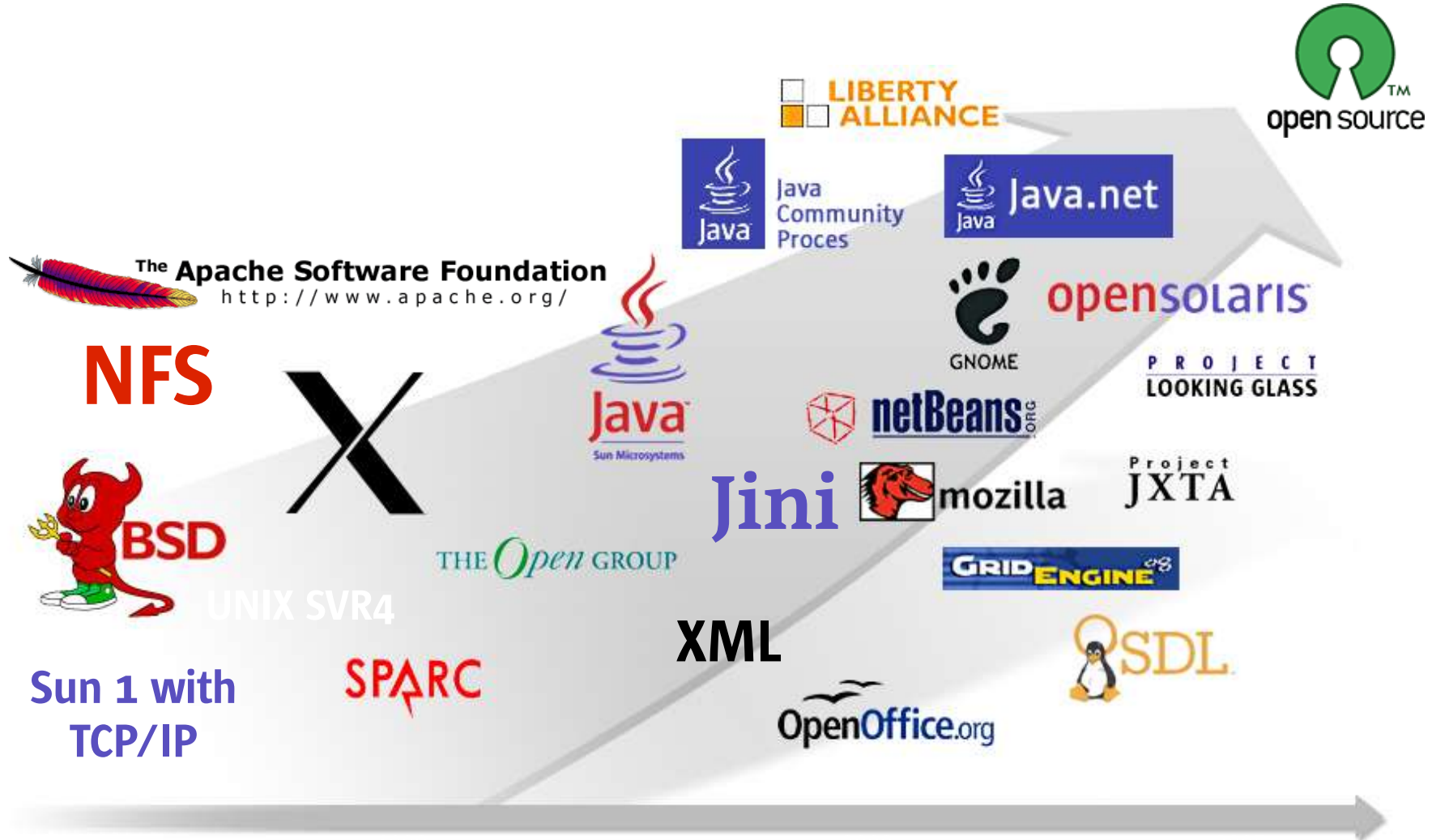
Chief Open Source Officer,
Sun Microsystems, Inc.



© 2002 © nashville

Chief OSO

Sun - A Rich and Diverse Community

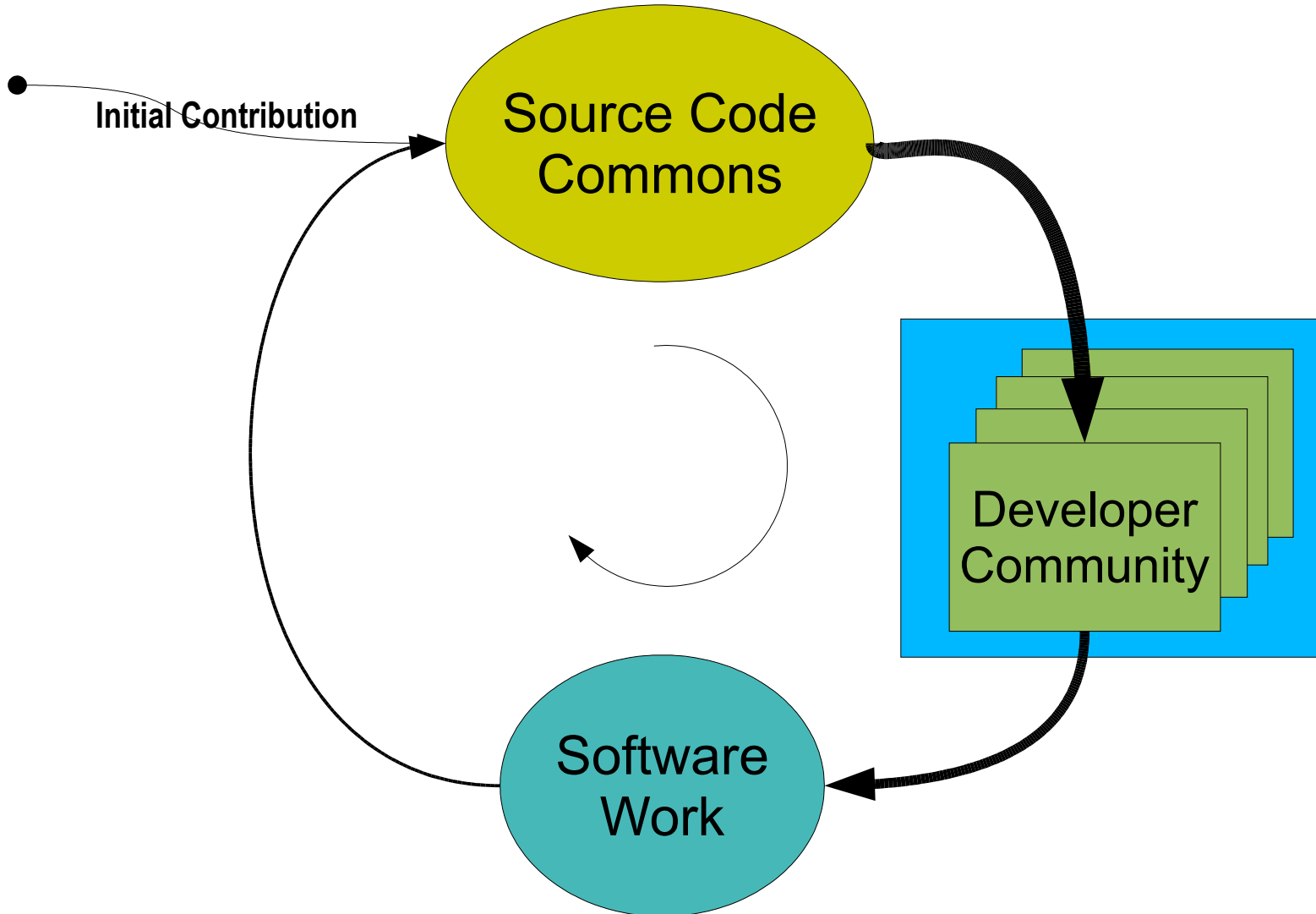


Shaping My Approach...

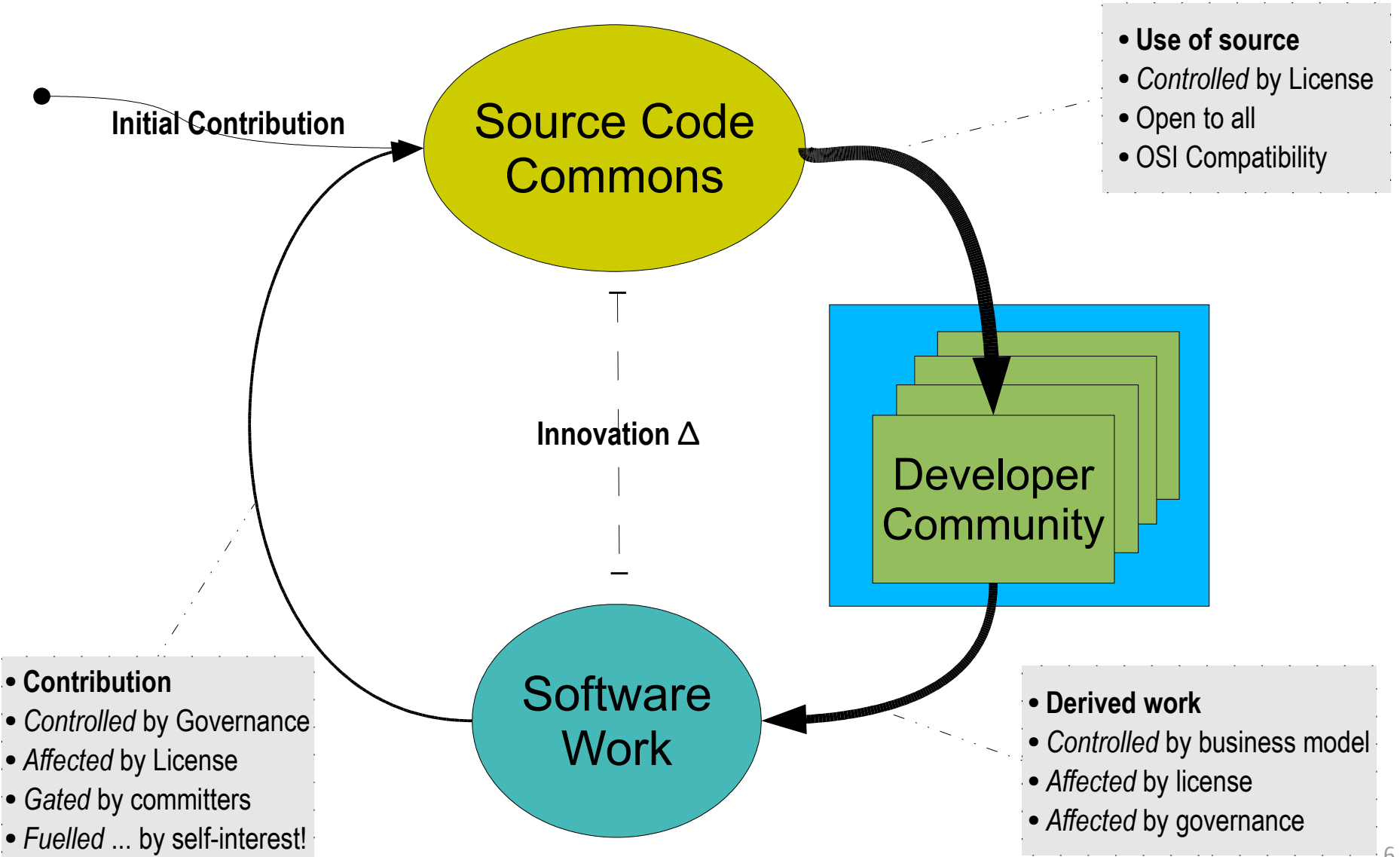
- The Overlooked Corner
- The Forgotten Freedom
- The Hidden Menace

The Overlooked Corner

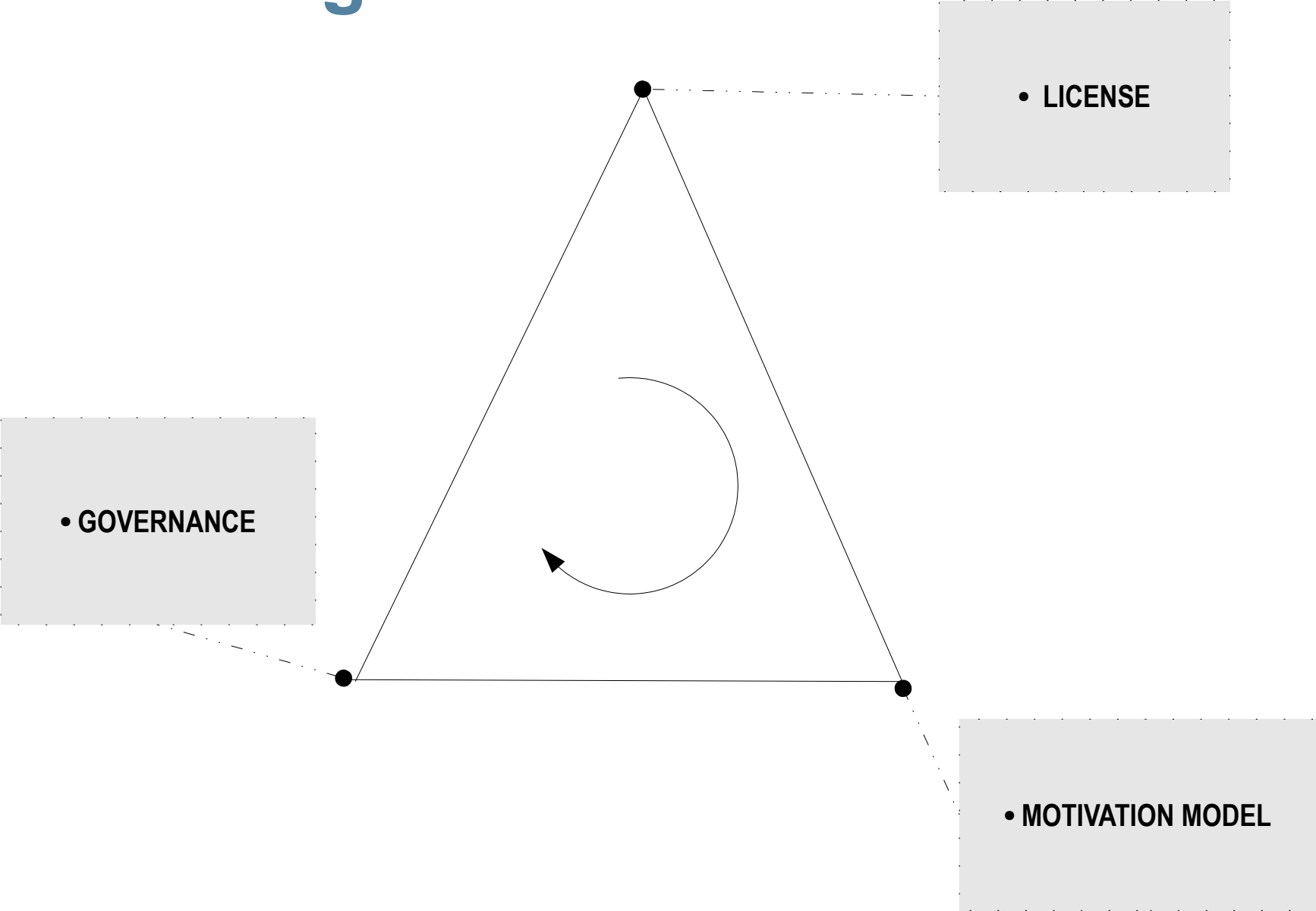
Virtuous Cycle Model of Open Source



Virtuous Cycle Regulators



DNA Triangle



The Overlooked Corner

- LICENSES

- > ... need no more limelight
- > Should ending proliferation wisely be our priority?

- MOTIVATIONAL MODELS

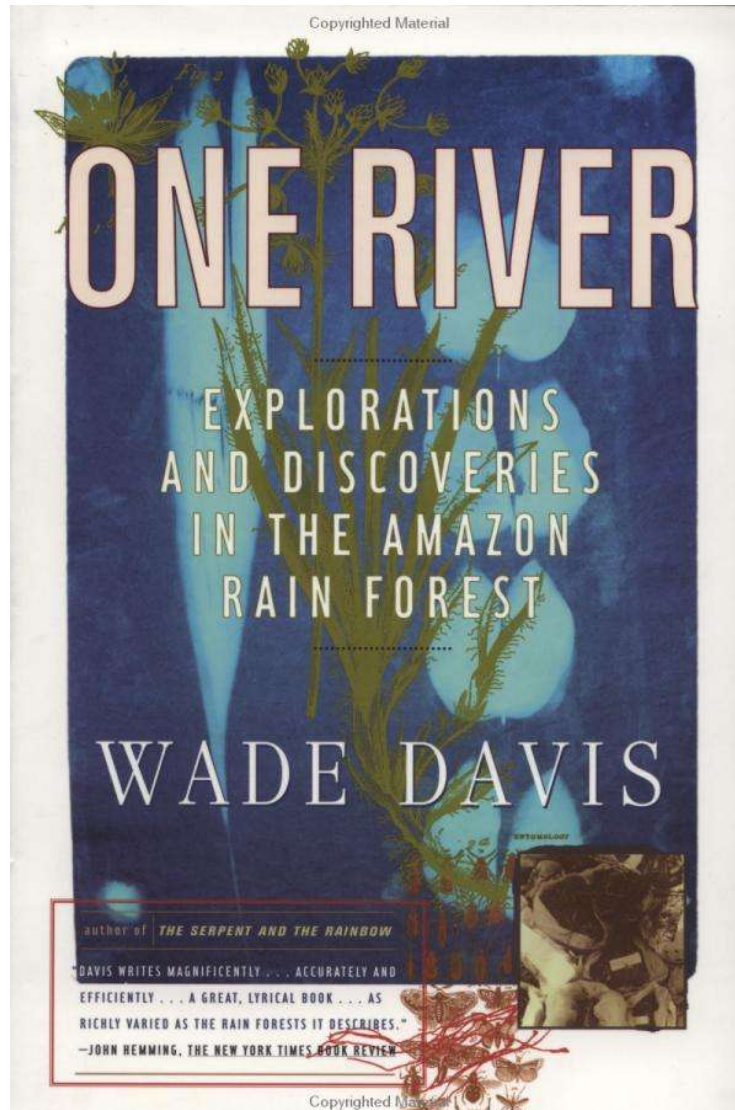
- > ... come with the territory
- > How do we leave room for the motivations of diverse contributors?

- GOVERNANCE

- > ... is the overlooked corner
- > Is bad governance the primary vector for disease?

The Forgotten Freedom

One River?



- Rhetorically, the Amazon is one river.

... or many?

- Practically, it is many.

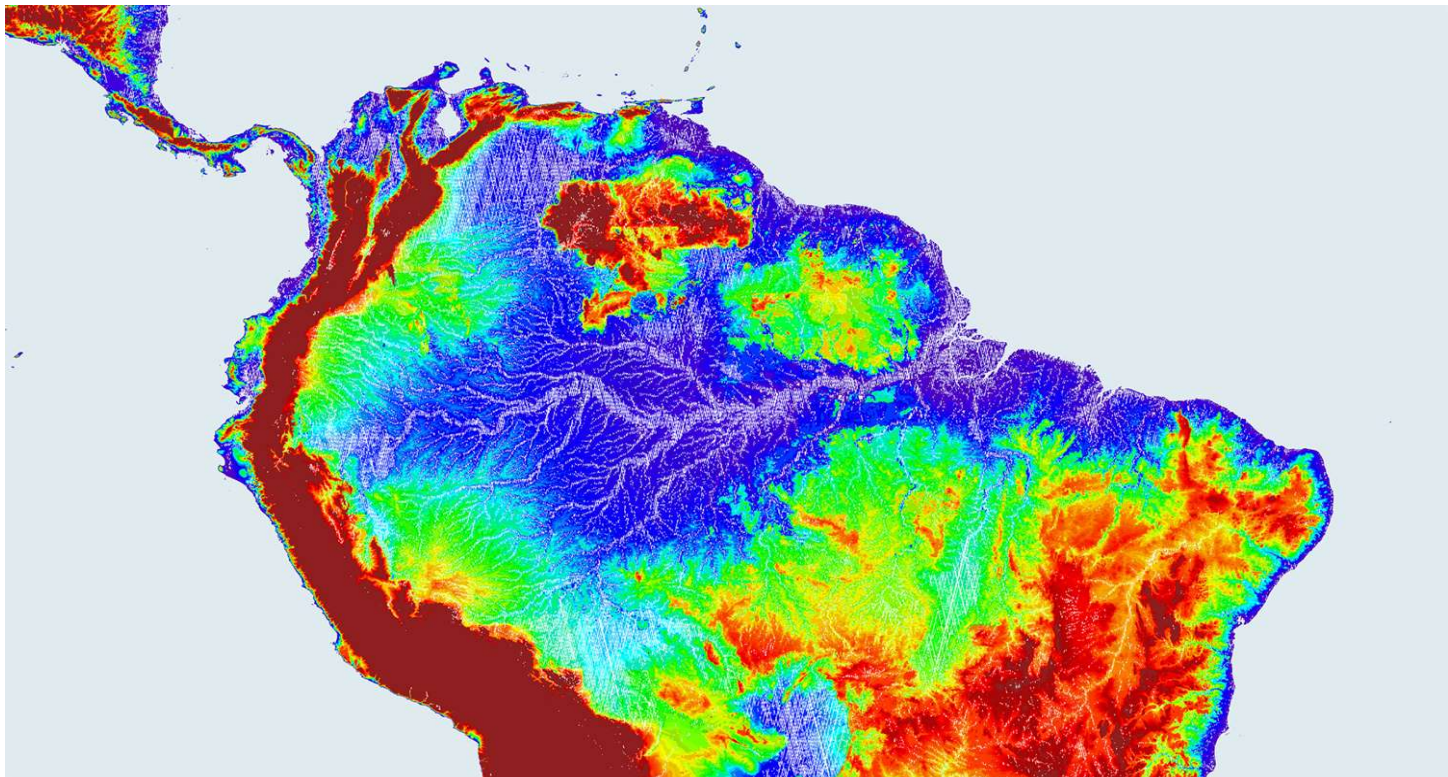
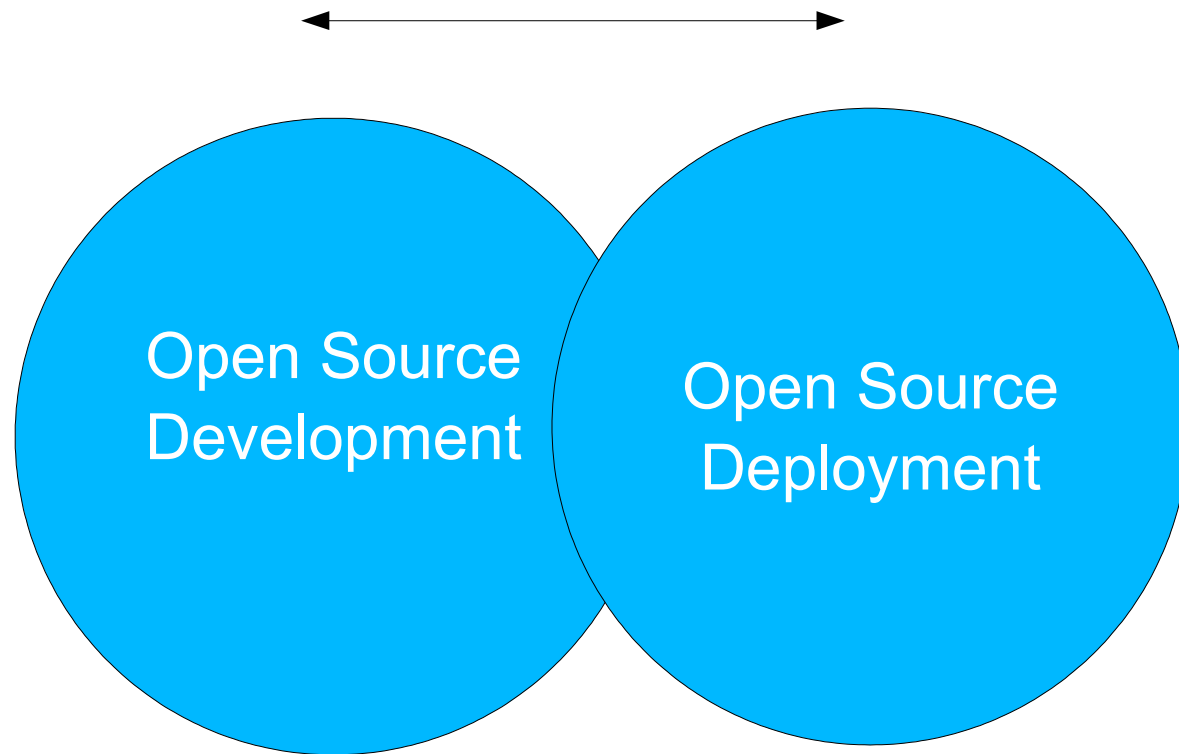


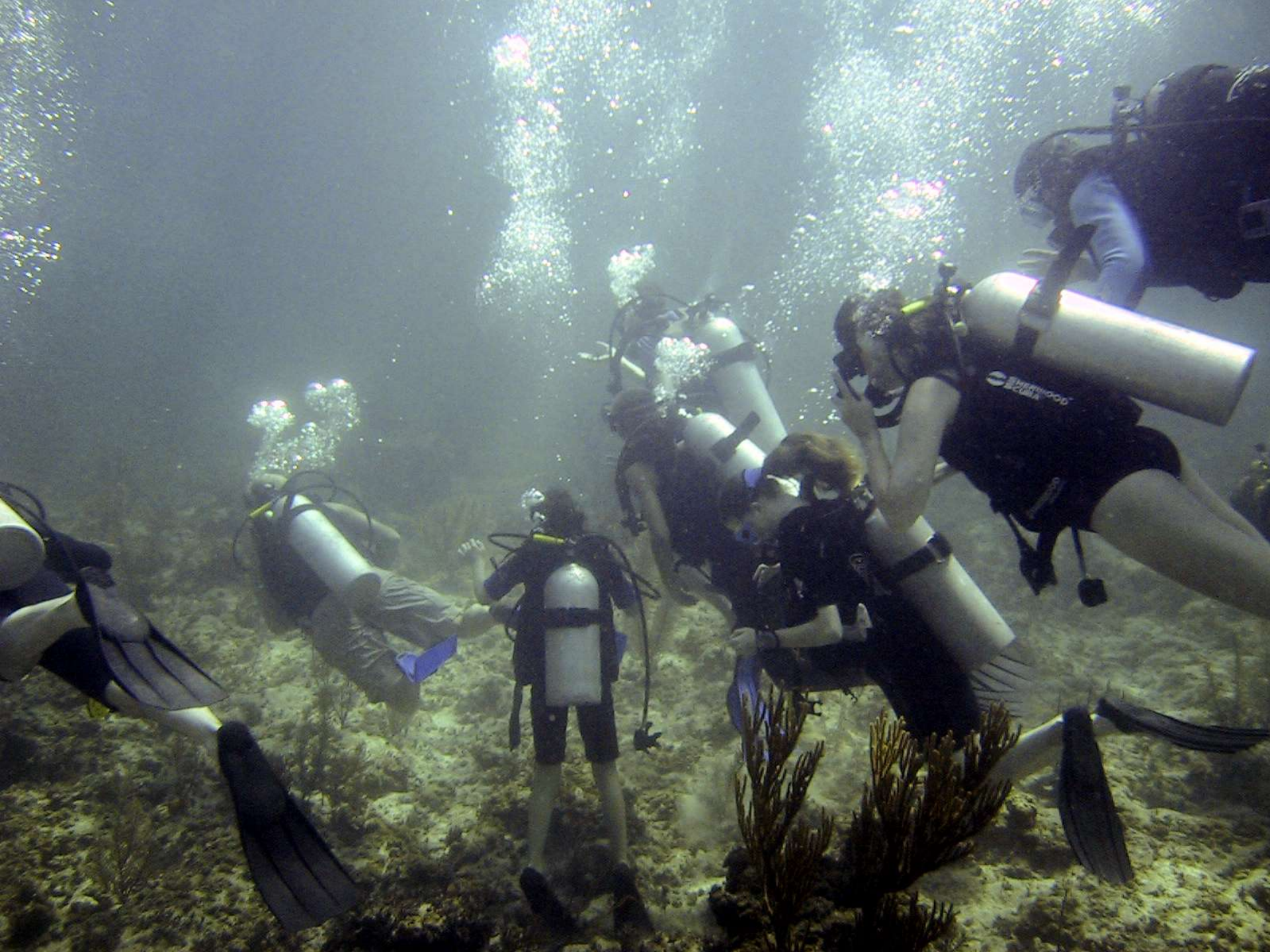
Photo credit: European Space Agency, http://esamultimedia.esa.int/images/EarthObservation/amazon_river.jpg



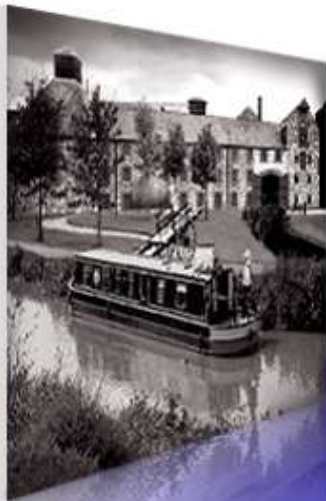
Open Source
Development
& Deployment



Is Free/Open Source Enough?



Standards Mean Substitutability



Are Standards Enough?



No Guarantee of Freedom Alone

- Open Source is about the freedom to *develop*
- *End-user* freedom is about replaceable choice
- Freedom for *all* is a product of:
 - > Open formats
 - > Software portability
 - > Transparent & Inclusive Governance
 - > Interoperability
 - > Effective patent defences
 - > Open source

The Hidden Menace

Software Patents Happen

- “Parallel Filing” means Corporations own patents on pretty much anything they touch
- The nature of US law means all must play
- Using patents defensively is a routine element of corporation-corporation interaction
- Software patents are a zone on a continuum
- Even their detractors have to deal with them
- Until world trade is reformed, patents happen...

Building the Patent Commons

- 1) Patent grants
 - > Research specific patents and grant to any FLOSS use
 - 2) Compulsory licensing
 - > Blanket grant of patents, restricted to licensed code
 - 3) Non-Assert Covenants
 - > Covenant not to assert rights against *bona fides* community
- We need all three, no one is sufficient defence
 - We need mandatory application of 2 & 3

Summary Observations

- The next phase of F/L/OSS is upon us
- The Virtuous Cycle needs a health check
 - > Reduce license proliferation by dealing with its causes
 - > Leave room for the motivations of all contributors
 - > Governance best practice needs an advocate
- F/L/OSS Alone is Not Enough For Freedom
 - > Development \neq Deployment
 - > Standard Formats + Open Source = Freedom
- Software Patents Demand Multiple Defences

Thank-you!



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