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WHAT DOES "OPEN" MEAN?

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EDITOR'S NOTE

TACKLING THE "O" WORD

Our theme this issue is "openness" -- what it means, who is entitled to define it, and how we should go about doing so.

In our editorial, we comment on the event that caused us to choose this topic: the delivery of a "Call to Action" by a large group of open source advocates to the members of OASIS and those that implement its standards, demanding direct action in response to that consortium's adoption of a new IPR policy.

Our feature article takes a broader view, analyzing what "open" is generally understood to mean, seeking to establish what can – and just as significantly cannot – be established as a fixed reference point.

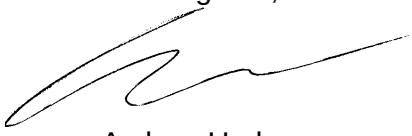
With our Trends article, we address the Call to Action letter more directly, demonstrating that the areas in which the open source and open standards communities must cooperate go far beyond licensing terms, and calling for work to begin on this task.

We also include an analysis of the settlement of Rambus v. Infineon, the most important standards litigation of the past twenty years, which we have been reporting on in detail for over three years.

And finally, our Standards Blog entry for this month takes a more lighthearted look at the diverse ways that people look at "openness," and the emotion that they invest in maintaining their individual opinions on that topic.

As always, we hope you enjoy this issue.

Best regards,



Andrew Updegrove
Editor and Publisher

EDITORIAL

A CALL FOR COMMUNICATION BETWEEN COMMUNITIES

Andrew Updegrove

For twenty-five issues we have refrained from tackling that most persistent of all questions in standard setting: what, exactly, does "open" necessarily mean?

Given how much consensus exists over many attributes of "openness" and how little is left to debate around the edges, it is surprising how much heat has been generated on this topic, and how long the debate has continued. But continue it does, and with the convergence of open source and open standards, the question is currently generating more heat than light.

The impetus for finally addressing the topic of openness in this issue is a recent open letter delivered by 29 individuals in the vanguard of the open source movement to OASIS - the Organization for the Advancement of Structured Information Standards (disclosure: this author is legal counsel to OASIS). In that letter, the authors called for a boycott of all standards created, and all standard setting conducted, by OASIS that fail to meet the authors' concept of openness (see our Feature Article in this issue).

While this ultimatum represents the extreme edge of conduct in an ongoing debate, it nevertheless underlines the importance that is attached to rules and licensing terms, and the special status of openness as an essential element of the standard setting process.

So what, precisely, does "open" mean? The answer is, "it depends".

How can that be? In fact, a more useful question is, how can that not be, given that we are not referring to revealed truth, or laws of physics. Standards, after all, are tools, and not ends in themselves. And tools must be tailored to suit the task at hand. Over time, tasks can change. When they do, so also must the tools.

It must also be remembered that openness arises from not one, but multiple attributes of a single process, each of which is subject to evolution in thinking as well as to external forces. Those attributes include how a standard is created, what obligations are imposed on those who participate in the development process, how the resulting standard is made available, and to whom. Open source methodology is an example of how each of these attributes can evolve internal to the process, while the changing state of patent law is an example of externalities that impact the process.

Of course, the above observations are in part disingenuous, for in fact there are certain aspects of "openness" that seem to be durable, and therefore are likely to be fundamental. They include equal rights of participation in the creation of standards, and equal access to the end results. But they do not necessarily include whether or not royalties may be charged for the privilege of implementing a standard. To analogize to a common term in standard setting, a royalty-free requirement is not an essential element of standard setting today (except in open source projects), although it is an increasingly popular option.

Since royalty free usage of standards is not deemed to be essential in all areas today, it therefore follows that it is not an essential attribute of "openness". Perhaps it will become normative in the future, at which point it would achieve fundamental status. What does underlie "openness" in most definitions today has to do with concepts of trust, equality and fairness. Royalties have nothing to do with any of these concepts (or, at least, they need not, when their imposition is accepted by those voluntarily participating in the standards development process). Royalties relate to economic models, and open source is only one economic model that is in use today.

Can royalties and restrictive licensing terms transcend classification as purely economic criteria? Yes, a very reasonable argument can be made that this is so in fundamental areas where their imposition might preclude the very existence of a valuable creation (such as the Internet and Web), or might strangle

innovation (as in operating systems). But it would be hard to reach the same conclusion with respect to a printer driver.

What the open source community has ignored in delivering its manifesto to OASIS is the fact that there are something like one million standards in use around the world today. Most may indeed be implemented without payment or troublesome restrictions, and no one would disagree that such standards are more welcome than those that bear a fee. But there are many successful standards that do bear an implementational tax without objection by the implementers that pay them. It can therefore not be denied that while free use is attractive, it is not essential to every situation. In some settings, the opportunity to charge royalties may even be advantageous, as it may provide incentives to innovation that would not otherwise be brought to bear.

Proponents of the open source model also ignore the existence of other ways of managing implementation costs. In some industries, patent pools are created in order to provide for a single point of licensing to avoid imposing too great a burden on end users. Market forces then determine whether a cell phone (for example) can bear a total royalty payment of $1.83 per unit or $1.86, and then that amount -- and no more -- is divided among the owners of the patents that would be infringed by the manufacture of that cell phone, no matter how numerous they may be.

At the end of the day, the concept of "openness" subsumes both fundamental as well as political attributes in the same sense that "freedom" does. Despite the nuances and fashions of the times, the definition of freedom that is acknowledged today is not so very different from that which was posited by Greek philosophers over 2,000 years ago. In this sense, some elements of values-based definitions do appear to be fundamental, because the principles upon which they are based are sufficiently robust to continue to resonate over long periods of time.

But definitions also have political dimensions, which arise from the way in which underlying values are understood, and the circumstances under which they are called into play, at a given point in time.

To Plato, freedom meant the ability to do whatever one wished. At the same time, the Greek philosophers tempered their expectations of the enjoyment of freedom with their understanding of moral responsibilities -- as we continue to do today. Then, as now, even free people acknowledge the need to pay taxes, and the necessity of submission to the rule of law. Still, the degree of tolerance for limitations on personal freedom varies between libertarians and democrats, even though both honor the same core values.

In fact, the finer details of what "openness", like freedom, may mean are what we agree they should mean at any point in time, under the circumstances and attitudes of that time. And in a world of 6 billion souls, there will certainly be different and equally valid visions of how openness can be expressed even at the same time.

To summarize: Just as a typical Swede understands the socio-economic role of government somewhat differently than does an average American, though each regards herself to be equally free, so also can different standards regimes peacefully coexist, without one laying claim to being more "open" than the other. Or, at least, so we believe.

Open source is without question one of the truly revolutionary and important developments in the history of commonalities. But the day of traditional standard setting is not yet over, nor is the usefulness of specifications at an end. As a result, it is critically important that the interface between open source and open standards be properly defined and agreed upon.

But just as it is true when creating an interoperability standard to permit two IT systems to exchange data, so also must the interface between open source and open standards be designed to facilitate the coordinated use of each system as it natively exists, rather than dictate that either system must fundamentally change.

We believe that the interface between open standards and open source should be addressed and developed in the same way that any other standard setting challenge is addressed - through an *open* process. Sending an ultimatum in the pursuit of "openness" is at best oxymoronic, and at worst, an

example of the type of proprietary abuses against which open source advocates have so rightly inveighed.

At the Republican convention in 1964, Barry Goldwater famously intoned that "Extremism in the defense of liberty is no vice. And moderation in the pursuit of justice is no virtue." We do not find that line of thinking to be any more satisfactory today than did the majority of American voters in November of that same year.

At the end of the day, whatever "openness" precisely means, it certainly honors the value of consensus among all interested and affected parties. Calls for boycotts against those that have a different understanding, but the same commitment, to common goals can never be considered to be part of an "open" effort to advance the state of the standard setting art.

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FEATURE ARTICLE

THE MANY FACES OF "OPEN"

Andrew Updegrove

Abstract: *The definition of "openness" as it applies to standard setting has been debated since the invention of the phrase "open standards." While many aspects of that definition have been generally agreed upon for many years, other attributes are the subject of sometimes heated debate. This article describes those attributes of openness that are generally conceded, and explores those areas that continue to be the subject of disagreement and debate (and why).*

Setting the stage: Standards have been present from time immemorial, in the form of languages (spoken and signed) and units of measurement. In their earliest forms, they were "open," in the sense that they emerged organically through the equal participation of all that used them. But with the rise of states and legal systems, some types of standards (e.g., monetary systems) became institutionalized, and their particulars were thenceforth mandated by the state.

With the emergence of an industrial society, modern production methods and networked systems (railways, telephones, utilities, and so on), new types of standards were required, as well as new methodologies to create and maintain these tools. In some cases, the design decisions of a single powerful vendor were eventually adopted by others. In other cases this was not feasible, or was not tolerable to other industry participants.

As the call for new performance and design standards rapidly expanded, so also did the need for rapid creation and adoption of those standards, in order to reap their maximum benefit. Since government was neither interested nor equipped to meet this need, industry was put to the task of creating the standards tools it needed to enable the market opportunities that were within sight, but otherwise would be out of reach.

But without the assistance of the state and the force of its regulatory power, how could those tools be agreed upon and adopted? The answer was by creating a system that rewarded those that became involved, as well as those that actually implemented the resulting work product.

As this system evolved, it was realized that a sufficient degree of process integrity would be required to assure participants that the rewards of participation and adoption would outweigh the risks of being taken

advantage of by one's competitors. From this dynamic arose the concept of "openness", and the incentive to agree upon and achieve it.

Defining a definition: While the word "openness" has a familiar and intuitive sound, its demonstration in the context of standard setting is somewhat subtle. In order to appreciate that subtlety, it is important to first define the goal that drives the need to define what openness itself should mean.

Most would agree that the goal of openness is to achieve trust in the outcome of the standard setting process. Trust, in this sense, relates to the following attributes of the resulting work product:

1. Will the standard created be *generally useful*, i.e., will it serve all, rather than the needs of only the few who were involved in the creation process?
2. Will the standard be *equally valuable* to all, or will it have been created in a way that is disproportionately advantageous to some?
3. Will the standard be of *high quality* and *durable*?
4. May the standard be *used by all* on *equal terms*?

In short, the goal of openness is not only to create a useful tool, but a tool that will be used by an entire industry, because implementation by too few means the relative or total failure of the entire effort (especially in the case of interoperability, as compared to performance, standards). There is therefore a requirement not only of *quality*, but also of *fairness* in order to achieve *wide applicability*, because without broad utility and fairness there may not be wide adoption, regardless of quality.

The high level list of requirements presented above suggests three additional features of openness: participation, process, and terms. Their importance may be briefly summarized as follows:

- Participation: Who may be involved in: (i) deciding what standard will be created, (ii) actually creating the standard, and (iii) using the standard?
- Process: Are each of these three participation steps conducted in a way that guarantees equality of influence and access?
- To the extent that there are intellectual property rights (IPR) that could be used to restrict access to and economic enjoyment of the standard, does the process oblige the owners of that IPR to make it available on "reasonable and non-discriminatory terms?"

If there is a market perception of fairness in participation, process and terms, then there is a likelihood that a standard, once developed, will actually be implemented -- assuming that those who have actually crafted the standard have been skillful in conducting that task.

Delving deeper into the onion: Up to this point in our evolving definition, there would be little disagreement among those active in the development of standards that we are accurately reflecting consensus on the topic. But as we work to examine the next lower level of detail, divergences of opinion would begin to arise.

The forces that impact this next level of detail include the following:

- How will the process be paid for?
- What value should be placed on speed?
- Who should have a right to affect the ultimate result?
- What is fair to ask from IPR owners?

These are important and difficult questions, each of which is worth examining in detail.

Economics: Standard setting is not a terribly expensive process, but neither are the attendant costs negligible. Absent government support for the process (as is the case in the United States), someone has to pay the bills. In the case of accredited standards development organizations (SDOs), the near universal practice is to allow broad and inexpensive rights to participate, and charge the consumers of the standards created a purchase fee to support the standards development process (and often other SDO activities as well). The non-accredited standard setting organizations (SSOs) most often referred to as consortia go to the opposite extreme, charging amounts ranging from a few to many thousands of dollars to participate, and then giving away the resulting standards to non-members as well as members in order to make implementation less expensive (and therefore more likely and rapid).

Which is the more "open" practice? In the case of the SDO, participation is often broader, but the standards become a product that is sold, sometimes for very significant amounts (as is the case with aerospace standards). For many organizations, the aggregate amount charged is much higher than the cost of actually producing the standards themselves. In the case of SSOs, anyone can acquire a copy of the standard (and often implement it as well, depending on what IPR rights may be involved) for free, but fewer have a direct say in what that standard says.

Time to market: The greater the value that is placed on achieving broad input and total consensus, the more time is typically involved. If that time is too great, the usefulness of the resulting standard may be reduced, or even eliminated. In the most egalitarian and thorough processes, anyone that intends to vote against adoption of a given draft of a specification is required to give her reasons for doing so, and those reasons must then be addressed. This technique ensures that all needs are identified and (ideally) all technical weaknesses corrected, but the process of doing so can be tedious and protracted. At the opposite extreme in other organizations, majority votes simply follow after discussion, and the process moves on.

Numerous other decisions can also add time, involving (for example) how many different bodies (e.g., working group, technical committee, architecture board, full membership and board of directors) within an organization must approve the initiation of a given standard setting activity, as well as give final approval to the resulting standard. At what points between two extremes does a given process pass from being "closed" to being "open" to being "needlessly bureaucratic?" In practice, circumstances will dictate the answer to that question, taking into account such factors as how large and broad the membership is, how quickly the market moves, and how complex is the standards environment into which a new specification must be integrated.

Participation: While dues and other fees will have an impact on participation, they are not the only factors that influence how broad the input on a given standard is permitted to be. Time to market will again come into play. For example, adding a public comment period on top of internal review cycles will open the process to a wider audience, but will also incrementally slow the process. Of course, the quality of a standard will reflect the field of experience that is applied to its creation as well.

The motives of the initiators of a given standards project will also strongly affect the process route chosen. At one extreme, as in the "promoter/adopter" type of organization favored by some vendors, only those that are invited to participate are permitted to have a say in the resulting specification. While that specification may in fact turn out to be of high technical quality, that result will be achieved only if the right participants are invited, and agree, to join in. And certainly the parameters of a standard created through such a process cannot reliably be expected to match those of all interested and affected parties.

At the other extreme, where anyone can have an equal say in a process, different issues can arise, such as loss of focus in the standard, bogging down of the process, and deterioration of overall quality. Finding the right balance point (once again) between these two extremes often results in conflict between commitments to openness and market forces.

Risks and rewards: In recent years, the conflict between IPR owners and the needs of the standards process has become more acute. Not only are there disagreements between those that believe that IPR owners should provide necessary rights free of charge and those that believe that contribution of IPR should be entirely voluntary, but there are significant organizational and member process issues as well. Members with large patent portfolios and many memberships in SDOs and SSOs

do not wish to spend endless amounts of time searching their patent portfolios to determine whether they do or do not have any patent claims that might be infringed by the implementation of scores of draft standards. Similarly, the resources of standard setting organizations are also taxed by administering the process of making patent calls, investigating the responses, distributing and examining assertion forms at the time of voting, and archiving the results.

Disclosure of IPR that would be infringed has therefore become as significant an issue as the question of whether or not that IPR will actually be available for license.

Finding the mean: As can be seen from the foregoing discussion, boundaries necessarily begin to blur at this level of definition as compromises and decisions inevitably must be made. As a result, achieving consensus on bright line tests, as compared to identifying characteristics, becomes more problematic. Evolving features of the marketplace have brought new tensions as well, including the following:

- ***Convergence:*** Different industries, such as hardware, software and telecommunications have developed different tolerances and practices over time with regard to economic and other terms relating to standards. When products involve the practice of patents in all of these areas (as in cell phones), there can be culture shock, and difficulty in reconciling what the rules should be.

- ***New market realities:*** Historically, there have been many standards areas that are quite tolerant of royalties or other fees, while others (such as software) began to generate standards before patenting the underlying technologies became common. Similarly, there are traditional manufacturing areas where there is little time pressure on standard setting, while time to market pressure is intense in the technology area. Finally, there are new technological resources that have become essential to modern society, such as the Internet and Web, the rapid deployment of which has been made possible in large part due to the absence of royalty requirements and restrictive licensing terms.

- ***New methodologies:*** Happily, even as technology evolves, so does the process of creating standards (or, as we like to say, "commonalities": see our February 2004 issue, ***Standards of the Future*** <www.consortiuminfo.org/bulletins/feb04.php) In the case of the open source movement, a radical new technique has evolved: instead of collaboratively agreeing upon a standard that can be implemented, the implementation itself is jointly created. In short, the standard has become the implementation and vice-versa, providing the ultimate in guaranteed interoperability. In the open source model, the process values are still much the same, but just about everything else is different, either necessarily (as in the case of writing actual code) or electively (as regards some -- but not all -- of the legal terms involved in typical open source licensing).

Given the range of subject matter for standardization (from food to software to medical devices), differences in methodology, and variations in market realities, finding the mean in process, participation and terms must inevitably be situation specific to at least some degree.

Current definitions of openness: Notwithstanding the challenges of sharply defining what "open" must mean, efforts to do so are ongoing, and there are many available definitions worthy of review. In some cases, these efforts are purely theoretical, while in others they are enforceable by NGOs that accredit SDOs, that regulate government procurement, or otherwise have acquired the force of law.

Two examples will serve to show how disparate even brief definitions of openness may be.

American National Standards Institute: In order for a standard to receive full, approved status by many global bodies (such as ISO), it must be proposed by the national SDO that is recognized by that global body. In the United States, it is the American National Standards Institute (ANSI) that is accredited to ISO. ANSI does not itself set standards, but it does, in turn, accredit all standard setting bodies headquartered in the United States that desire to achieve such status. In order to become accredited, a standard setting organization must adhere to the process standards and patent policy that ANSI has adopted to ensure "openness." It must also submit to regular audits to confirm compliance with these policies.

Since ANSI accredits scores of SDOs, which cover the gamut from hair brushes to aerospace systems, its process standards are necessarily general rather than situation specific. The high level attributes of openness that ANSI endorses < www.ansi.org/standards_activities/domestic_programs/overview.aspx?menuid=3 > are as follows:

- consensus on a proposed standard by a group or "consensus body" that includes representatives from materially affected and interested parties;
- broad-based public review and comment on draft standards;
- consideration of and response to comments submitted by voting members of the relevant consensus body and by public review commenters;
- incorporation of approved changes into a draft standard; and
- right to appeal by any participant that believes that due process principles were not sufficiently respected during the standards development in accordance with the ANSI-accredited procedures of the standards developer.

EC European Interoperability Framework (EIF) for pan-European Government Services: The EIF is the reference document that has been adopted by the European Commission to guide its establishment of intergovernmental networks. It is therefore specific to the information technology industry. A major goal in its creation was to avoid undue dependence on single vendors, and it has therefore been optimized in favor of open source applications in particular as well as open standards. Under the EIF, the following have been determined to be the minimum characteristics of acceptably open standards:

- The standard is adopted and will be maintained by a not-for-profit organization, and its ongoing development occurs on the basis of an open decision-making procedure available to all interested parties (consensus or majority decision etc.)
- The standard has been published and the standard specification document is available either freely or at a nominal charge. It must be permissible to all to copy, distribute and use it for no fee or at a nominal fee
- The intellectual property — *i.e.*, patents possibly present — of (parts of) the standard is made irrevocably available on a royalty-free basis
- There are no constraints on the re-use of the standard.

Summary: Establishing the required elements of "openness" is as difficult a challenge as that presented to the United States Supreme Court, when it was compelled to define pornography. Still, as famously observed by Justice Potter Stewart in 1964, "It's hard to define, but you know it when you see it." Consequently, "openness" has both a degree of imprecision, as well as a need for situational adaptation to be truly useful in a given set of circumstances.

While efforts to articulate what makes openness "open" are eminently useful and necessary, applying the results of that analysis too literally is likely to unproductively constrain, rather than enable, the process of standard setting. Moreover, there is value in allowing the standard setting process to not only evolve with the marketplace, but to experiment with new solutions.

As in so many areas of life and science, applying religious fervor to support particular licensing terms or imposing political parameters on the standards development process, is ultimately likely to obscure, rather than inform the debate, and impede rather than assist, the ongoing development of the marketplace. Better to define the spirit rather than the strict letter of “openness”, and then gauge a given process situationally against this more amorphous, but still important reference point.

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OPEN SOURCE VS. OPEN STANDARDS

Andrew Updegrove

> *"The next big battleground between the Open Source and proprietary software communities will be in the area of Open Standards. You need Open Standards to implement Open Source. However this need not be a battle."*
>
> Larry Rosen, www.openstandardsalliance.org

The Call: Until recently, the title above would have suggested an article comparing the relative merits of two useful methodologies commonly employed in the marketplace. But on February 22 of this year, the phrase took on a new meaning when 29 prominent open source advocates signed a brief letter styled as "A Call to Action in OASIS", which was then widely and publicly distributed by the authors.

The letter was created in response to the adoption by OASIS of a new Intellectual Property Rights (IPR) Policy to replace the rules that had governed its process since the organization's inception. The new policy was the product of over two years of strenuous effort on the part of interested members of OASIS, including those that have, as well as have not, made significant strategic commitments to open source software (disclosure: the author participated at intervals in that process, as legal counsel to OASIS).

The actions that the authors of the letter called upon the technology community to take included the following:

> We ask you to stand with us in opposition to the OASIS patent policy. Do not implement OASIS standards that aren't open. Demand that OASIS revise its policies. If you are an OASIS member, do not participate in any working group that allows encumbered standards that cannot be implemented in open source and free software.

In fulfillment of the truism that "no good deed goes unpunished," one goal of OASIS in revising its IPR policy had been to better accommodate the creation of standards that would be more conducive to the open source process. Specifically, the new policy permits those involved in a given standards development project to elect a royalty-free approach that permits only limited additional terms consistent with open source licensing (two other options are also permitted: non-royalty but with reasonable and non discriminatory (RAND) terms, and RAND terms plus royalty).

The context: There are a number of points that were not properly appreciated by those that drafted the letter, including the fact that OASIS has more than 600 members, not all of whom are open source proponents; the fact that OASIS has over 85 active working groups, not all of which are engaged in projects for which there is a desire or need for an open source implementation; the reality that the world has not as yet converted exclusively to an open source model, but continues to have urgent needs for traditional standards; and the fact that even if a decision were to be taken to accomplish that conversion tomorrow, there would not be enough skilled open source software engineers available to serve that brave, new open source world.

At the same time, it would be unfair to ignore the virtues of the open source methodology, and naïve to deny that the open source phenomenon does not have significant economic implications for individual companies in the marketplace, or that such companies have not sought to act in their best interests when they participate in standard setting organizations (SSOs), including when those organizations are revising the terms of their IPR policies.

Still, the concept of calling for a boycott of a standard setting organization for adopting an industry-standard IPR policy was a startling escalation in the ongoing confrontation between the open source community and the world of traditional vendor-centric technology. It also highlighted yet another consequence of convergence in the world of technology: the creation of open standards and the development of open source can no longer be regarded as independent processes.

The issues at hand are not new for standard setting organizations (SSOs), as they have wrestled for some time with the question of whether to permit, discourage or prohibit payments and restrictive terms as conditions to license IPR that would be infringed by a standard. And in fact, there has been a steady movement in many SSOs from tolerance to avoidance of royalties. This movement has existed independent of the emergence of open source, and can be seen in some SSOs that create non-software standards as well.

In the technology arena, some SSOs have in fact gone so far as to adopt policies that make it difficult or impossible for a standard to issue that is known to require payment of a royalty or other payment to an IPR owner (the W3C being the most notable example), while others permit a given working group to elect a royalty-free mode for its activities. Indeed, some consortia host open source projects as well as traditional standard setting activities, or provide reference implementations of one or more of their standards under open source licensing terms.

The challenge: Merely focusing on whether a given IPR policy permits or requires royalty free licensing, however, misses several convergence marks at once. Open source projects and open standards organizations need to be partners in their activities, and not enemies. And each needs to fully appreciate the merits, requirements and native constraints of the other's methodology -- each of which has value.

In fact, the assumption that the open source approach is more “open” itself bears some examination. Clearly, it has great advantages. But it is also a new and evolving technique, and one that should acknowledge that it could still be improved -- perhaps by attempting to learn more from the open standards process. Consider the following:

Coordination: How must open standards and open source projects interrelate at a mechanical level? Must an open source and an open standards process exist within the same entity? If not, how would the work of the two organizations best be coordinated? What liaisons should exist between SSOs and open standards projects to optimize results?

Where is the high ground? The Call to Action letter refers in its open line to the "free and open source software community." But what does "open" necessarily mean (see the preceding article in this issue, ***The Many Faces of "Open"***)? For example, SSO's do not require their members to commit to a given licensing approach in order to become members, and also permit non-engineers to have input into the process. At the same time, some (including, now, OASIS) permit those that are interested in a certain initiative to choose the licensing methodology that they believe most suits the nature of that project.

IPR certainty: Nor is the open source process (to date) as able as the open standards process to create products that are unlikely to run into patent infringement issues. True, an SSO can only collect patent commitments from its members -- but those members often comprise those that are most likely to own the patents that might be infringed by implementations of the standards being created. Open source projects, in contrast, are only now beginning to grapple with these same issues, a challenge complicated by the fact that open source projects typically involve many individuals, rather than large corporate patent portfolio owners that have sophisticated internal patent tracking systems.

Liberty, equality, fraternity: There are also governance and entitlement issues to be considered: for example, who should "own" a standard? If an SSO creates a standard, should it not have the right to set the terms under which it may be implemented? If the answer to that question is "no", does it necessarily follow that the open source community should be able to impose additional requirements? And if the answer to that question is "yes", then is the open source community not itself under an obligation to acknowledge that there may be other interest groups that should be able to assert their own interests and requirements as well? And finally, if (as the Call to Action letter implies, but does not clearly indicate) not all standards must be conducive to open source implementations, who should be entitled to decide which standards fall into which category, and how?

Free market forces: The open source community has gained sufficient respect and commitment from large corporations that it is well able at this point to compete head to head with open standards. Rather than insisting that SSOs change their policies to permit only open source compatible licensing terms, the open source community could launch a competitive effort to provide what it believes to be a

better alternative. If it is right that an open source approach is more suited to the task at hand, then the marketplace will be likely to agree with that approach. And if it is wrong, it would not be beneficial to end users for an open source approach to be mandated.

There are, after all, benefits and advantages to free market forces. The open source movement itself would hardly have progressed to its current state of influence if some vendors did not find the opportunity attractive to weaken the influence of Microsoft through the support of open source alternatives. Similarly, if end users conclude (as have more and more governments) that open source alternatives are preferable, the marketplace will pull vendors -- and SSOs -- towards stronger support of open source without the need for ultimatums.

Responsibility: The developmental position of the open source community is something like that of a teenager becoming an adult. Up until now, it could be self-centered and brash without doing harm to anyone. But as its success leads to greater and greater global dependency on open source software, open source proponents (I believe) must take on a greater sense of responsibility to those that are dependent on open source systems. Until now, it could reasonably be argued that the tight focus of the open source community was essential in order to establish the validity of open source methodology. Now that open source is here to stay, the open source community needs to give greater thought to the tedious political process of getting along with all of the constituencies that the open source community encouraged to become dependent on their efforts.

Open source software is no longer a lab experiment under a bell jar, which can be pursued for its own sake. As war is too important to be entrusted to the generals, open software is becoming too important to be entrusted to those for whom programming purity is more important than security, ease of access, the existence of mundane (but necessary) – and coordination with the realities of open standards creation.

Defining an open source - open standards interface: The questions raised above are not trivial, nor will their answers be easy to develop and agree upon. I therefore conclude that the issues are not as black and white as do the signatories of the Call to Action Letter, nor as susceptible to resolution by fiat. I do believe that it is urgent and important to optimize the interface between open source and open standards in a way that yields maximum benefits to the proponents of each methodology – as well as to consumers and other stakeholders. I also believe that the way to achieve a productive result is through dialogue and a respectful exchange of ideas.

A reasonable starting point for such a dialogue might be a presentation made by Lawrence Rosen, the first signer of the Call to Action letter, at a conference held last year called "Open Standards - Open Standards: Maximizing Utility While Managing Exposure", which was co-sponsored by ConsortiumInfo.org and at which I was a wrap-up speaker. In that presentation, Rosen proposed five principles upon which he believed that open standards should be based in order for open standards and open source to productively coexist. They are as follows:

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.

These principles are not an unreasonable starting point for a dialogue, as they clearly enunciate what is needed from an open source perspective. But there is more to agree upon than simply licensing terms.

A Call for a different sort of Action: What is needed today is a more coordinated standard setting infrastructure, every element of which is communicating with every other -- a network centric standard setting approach, if you will. Doubtless there are lessons that the open source community could learn from those skilled in the open standards process, just as the reverse is certainly true. Similarly, it is likely to be true that the open source community could gain more converts through partnering with the open standards world than by confronting it.

Much has been learned over more than 100 years of standard setting regarding how to achieve consensus among diverse constituencies and benefit from that consensus. If open source proponents want open source to become ever more prevalent, then at minimum they will need to persuade those with other viewpoints to work with them, rather than against them. Similarly, if individual programmers wish to continue to enjoy the level of influence that they have enjoyed in the pioneer days of open source, they will need to be very savvy indeed in how they play the game, as heavyweight vendors become increasingly invested in influencing that process. History abounds with examples of revolutionaries that ultimately lose power to bankers and politicians.

In a sense, the open source community has earned the opportunity to emerge from what might be called its guerrilla warfare stage. Just as any group of freedom fighters must decide to adopt different tactics as they enter the mainstream of political life, the open source community may wish to consider what values it wishes to honor as its base of influence expands. There are real issues to be addressed, and it is likely that the most appropriate, durable and useful answers will come from consideration of the broadest input.

Hopefully, the Call to Action letter will indeed be a wake up call. But a different sort of wake up call needs to be heard by its authors as well -- a call for dialogue and the engendering of mutual respect, rather than a call for a forced conversion. I believe that if that call is answered, we will be able to point with pride not only to the worthwhile technical ends we achieve, but to the open means by which we achieved those ends as well.

Comments? updegrove@consortiuminfo.org

Significant resources:

Call to Action letter: http://perens.com/Articles/OASIS.html

Revised OASIS IPR Policy: http://www.oasis-open.org/who/intellectualproperty.php

Email interview with Carol Geyer, Director of Communications of OASIS:
http://www.linuxbusinessweek.com/story/48374.htm

Open Standards - Open Source website: http://www.openstandardsalliance.org/

Rosen presentation (with principles): http://www.openstandardsalliance.org/dowloads/LRosen.pdf

UPDATE

RAMBUS AND INFINEON SAY “ENOUGH”

Andrew Updegrove

Throwing in the towel: After years of dramatic victories and defeats on both sides (and the expenditure of tens of millions of dollars in legal costs), Rambus Inc. and Infineon Technologies buried the hatchet this week, announcing a settlement of all infringement and antitrust claims between the two combatants. The settlement comes on the heels of a serious defeat for Rambus three weeks ago, when a Federal judge in Virginia threw out the infringement suit originally brought by Rambus against Infineon in 2000. This reversal would have guaranteed the continuation of the battle for years to come.

While all of the terms of the settlement were not disclosed, those that were announced outlined an involved licensing arrangement that extended well beyond the patent claims immediately at issue. For its part, Infineon will pay Rambus U.S. $5.85 million per quarter for nine quarters, commencing on November 15 of this year. If (but only if) Rambus is successful in achieving settlements in related litigation with Hynix Semiconductors and Micron Technologies, Infineon would make up to $100 million in additional payments.

Rambus in turn would license not only the patents originally at issue, but other existing and future patents, including those relating to generations of semiconductors (referred to as DDR2 and DDR3) that are still under development. Infineon would also be granted "most favored customer" status, which usually means that if any other Rambus customer achieves better licensing terms, those secured by Infineon would immediately adjust to reap the same advantage. Rambus would also drop its charges against Infineon in a concurrent antitrust suit that it brought last year against Micron, Hynix and Siemens, as well as against Infineon (Siemens is the former parent company of Infineon).

Who won? As in much litigation, the best answer may be that no one did. In one sense, the litigation was simply the grotesquely expensive negotiation of a comprehensive vendor-customer relationship. But as regards the actual dispute, the early consensus is that Infineon came away from the experience far better off than did Rambus.

The indications leading to that conclusion include the fact that estimates of the royalties that Infineon might have owed for its past infringement of the patents at issue ranged from $202 to $269 million *per year,* while the settlement calls for no immediate payment for past infringement, and only $23.4 million per year on a going forward basis for the use of not only the patents at issue, but additional patents as well.

The stock markets seem to agree. Rambus, a favorite of day traders due to the high theoretical value of Rambus' patent portfolio and the huge swings in its stock price occasioned by its day to day fortunes in court, shot up over 30% on release of the news of the settlement, but as of the close of trading the next day had lost half of that gain, slumping back to $15.65 per share. That price was significantly lower than its price of only a month before, and at the bottom end of its 52 week trading range of $12.34 to $29.69. It also announced that it had lowered its expectations, due to lower sales and higher than expected litigation costs.

Infineon's stock price, conversely, dropped only .06% on the news, and as of yesterday's close was basically unchanged at $9.53 (which was also at the low end of its narrower 52 week trading range of $8.92 - 15.76).

What happens next? While Rambus' battle against Infineon is now over, its related suits against Micron and Hynix continue. Those cases had taken a back seat to the Infineon litigation, since most of the facts at issue, all arising in the JEDEC standard setting process, were the same. On the one hand, while Infineon will now be producing revenue for Rambus, that revenue does not begin to flow until the end of this year, while the Hynix trial is scheduled to commence in June, and the Micron case is due to go to trial in February of next year. Both will require expensive legal preparation. Consequently, the Infineon

payments are not currently available to fund a substantial portion of the litigation costs involving the upcoming trial involving the other two companies.

At the same time, Rambus will be under pressure to secure settlements with each of these two companies in order to secure up to another $100 million from Infineon -- and Hynix and Micron will know that, as well as the fact that Rambus will need to fund a "two front" legal war, while each of these two larger companies will only have to fund one battle. Given the fact that Rambus' business has generated no free cash for two years, it makes sense for Rambus to wrap things up now if it can.

While every lawsuit has different odds, since it plays out before different judges and juries, suits that are based upon the same facts do have a track record that helps establish the odds of success or failure for both sides. Having shown its hand to Micron and Hynix in its settlement with Infineon, and protestations by its CEO and spokesperson to the contrary, the rough parameters for settlements acceptable to Rambus have now been disclosed.

Collateral damage: And what of the standard setting process, the stage upon which the essential actions of this drama originally played out? The balance sheet goes something like this:

In the plus column: Consortia now have much more detailed intellectual property (IPR) policies. These policies not only have much clearer rules and choices than previously, but they are typically supported by much more detailed rules of procedure as well (accredited organizations are still largely living under their historical, high-level rules). Efforts to refine IPR policies rules still further are ongoing, including a project sponsored by the American Bar Association, which will release model rules and language later this year. Much of this concerted effort is the direct result of the attention that the Rambus dispute received, and especially in reaction to the surprise ruling in favor of Rambus handed down in the Federal Circuit two years ago.

In the negative column: The most serious negative impact of the Rambus saga was a holding by an Administrative Law Judge (ALJ) in the Federal Trade Commission's case against Rambus, which was based upon the same course of conduct that gave rise to the litigation between Rambus, Infineon, and others. In the course of finding in favor of Rambus on all counts, the judge held that there is no duty of good faith between participants in a standard setting process.

Given the fact that the rules that companies large and small have been able to agree upon in standard setting organizations still leave ample room for game playing, this represents a serious weakness in the standard setting infrastructure. The ALJ's decision has been appealed to the commissioners of the FTC, who have already reviewed the record and held two days of hearings. A final decision is expected to issue later this year.

Summary: The landmark litigation between Rambus and Infineon, and the related proceedings before the FTC, have dramatically raised awareness in the industry over the proper way to manage IPR issues in the standard setting process. Raising that awareness has been a good thing. But the issues identified have not yet found optimal solutions. As a result, the standard setting system remains vulnerable to abuse, and the courts have proven to be an unreliable ally in filling this gap. Work therefore remains to be done to shore up the standard setting system, whether by further refinement of IPR policies, legislative action, or both.

Comments? updegrove@consortiuminfo.org

To follow the history of the Rambus case, see the following chronological articles from the CSB:

February, 2003: Rambus - Hard Cases Make Bad Law
www.consortiuminfo.org/bulletins/feb03.php#editorial

What Does Rambus Mean To You?
www.consortiuminfo.org/bulletins/feb03.php#featured

March, 2003:	UPDATE: It May Not Be Over Yet www.consortiuminfo.org/bulletins/mar03.php#rambus
April, 2003:	UPDATE: The Stage Shifts to the FTC www.consortiuminfo.org/bulletins/apr03.php#rambus
June, 2003:	Shareholder Suit Against Rambus Dropped While FTC Trial Continues www.consortiuminfo.org/bulletins/jun03.php#u1
October, 2003:	Supreme Court says "No Dice" to Infineon www.consortiuminfo.org/bulletins/oct03.php#ru
March 2004:	FTC Loses Round One To Rambus www.consortiuminfo.org/bulletins/mar04.php#ipr
April, 2004:	FTC Appeals Rambus (With a Little Help From its Friends) www.consortiuminfo.org/bulletins/apr04.php#ipr
May, 2004:	RMBS And (Another) Dark Side of the Internet www.consortiuminfo.org/bulletins/may04.php#blog

UPDATE

DRAFT UNITED STATES STANDARDS STRATEGY RELEASED

Comments must be submitted by April 18, 2005

The United States Standards Strategy (USSS), a revision of the National Standards Strategy for the United States (NSS), is now available for public review and comment <www.ansi.org/usss>. The purpose of the initiative is "to establish a framework that can be used by all interested parties to further advance trade issues in the global marketplace, enhance consumer health and safety, meet stakeholder needs and, as appropriate, advance U.S. viewpoints in the regional and international arena." Responses may be submitted at any time between now and close of business on April 18, 2005, to Joseph Tretler, Jr., ANSI Staff Liaison for the U.S. Standards Strategy Committee (212.642.4977; jtretler@ansi.org).

There will be a special, by-invitation only working session to discuss and take comments on the USSS hosted by **ConsortiumInfo.org** and **Gesmer Updegrove LLP** in Boston, Massachusetts on March 29, exclusively for leaders and representatives of standard setting consortia and open source groups. At this meeting, Committee members (including George Arnold and Mark Hurwitz, the Chairman and President of ANSI, respectively, and Joe Bhatia, the Committee Chair) will describe the current status of the redrafting effort, followed by an extended period during which those in attendance may ask questions, express their views, offer suggestions, and learn how they may become further involved, either actively or simply to track the revision activities as they proceed. Qualified representatives may request an invitation by emailing andrew.updegrove@gesmer.com. There is no charge for this event.

There will also be a public forum on the USSS hosted by the National Institute of Standards and Technology (NIST) and ANSI, which will take place on Friday, April 15, 2005, at the Department of Commerce in Washington, DC. The public forum is meant to raise awareness of the Strategy; to engage stakeholders in a dialogue of its principles, strategic initiatives and tactics; and to invite public comment. The results of the forum discussion will be included in a compilation of public comments and considered in a final draft of the U.S. Standards Strategy.

There is no charge for the public forum, but pre-registration is required. To register electronically, please send an e-mail message containing the attendee's name, title, organization, telephone, telefax and e-mail address to registration@ansi.org, or call 212-642-4956.

From the Standards Blog

March 23, 2005

#26 ***Creation 3.0*** The sun was shining brightly on the Creator as he gazed at the scene before him. Steam rose from the ground, and an eerie silence everywhere pervaded the world -- except for an incessant thumping emanating from inside a large houseboat beached on the hillside ahead.

As he approached the vessel, the Creator's emotions were strangely mixed. On the one hand, he relished the chance to start anew - no more reality television, Michael Jackson or Rush Limbaugh. Still, perhaps if He had given the Cubs just one more season….

But enough of that. This time, He was taking no chances that he would once again experience that disquieting sense of failure that was so incompatible with omnipotence. Omniscience and human free will just didn't mix. Both times before, He had given humanity every tool they needed -- every chance to succeed -- and still they had insisted on messing it all up. This time, He wasn't going to waste His time. He was outsourcing the project.

Punching the keypad on the side of the boat, the Creator swung wide the door and waited. Eventually, a hesitant band of men and women emerged, blinking with bewilderment in the bright light of the first day of the third release of creation. And well they might be bewildered, as the Creator had wiped their brains clean of every memory of the world that they had left behind.

There were two of every kind of business person in the amorphous group that He had saved - two software engineers and two hardware engineers; two marketing and two sale types; two CXOs this and two CXOs that. Association directors, government employees and academics. Except that none of them actually knew what they used to do when they went to work in the morning. Still, the Creator had left their underlying skills intact. They would be able to make use of their former life experiences, even if they couldn't recall exactly what those experiences might have been.

It was time to begin. The Creator cleared His throat and the motley crew came to sudden, startled attention.

"Welcome" said the Creator. "I take great pleasure today in presenting you with the design contract of the millennium. I have selected you to create The World, Release 3.0. Before you are through, you will create all of the birds of the air, the beasts of the field, and the fish of the sea. I'm sure I don't have to tell you what an honor it is to be selected for a project of this importance." Everyone looked appropriately pleased.

"Given the size of this contract, I'd like to give you a little professional advice, based on my own past experience: first, you've got to get your process down cold. Then, come up with some really good standards of creation, and compete on the value-added features you add to each animal. Go at it that way, and I'm sure that everything will turn out just fine. Now get cracking!"

Walking away, the Creator lit up a cigar with a sense of quiet satisfaction. This was more like it.

* * * * * * *

Two days later, the Creator checked in to see if the project was proceeding on schedule. When he reached the job site, it was immediately clear that things were not getting off to a smooth start.

Instead of one group, there were three. The first group included all of the engineers, each of them talking at the same time and madly working away at something in the center of their huddle. The second comprised all of the business types. They had thrown up a palisade around themselves to prevent anyone fom the other two groups from looking in. The third group was made up of everyone else - association executives, government agency employees, professors, and so on. They were embroiled in a heated discussion over a parliamentary point of order.

It looked like this time, the job was going to take a lot more than six days.

* * * * * * *

Some months later, the Creator received notice that the first milestone of the development contract had been reached - each of the design teams had created its first creature.

Arriving at the project site, the Creator was surprised at how much things had changed. The business team was where he had left it, but the rough palisade had been replaced by an office building with drawn blinds and a security guard. He saw that it also sported a pennant flapping in the breeze, with the letters "TEAM SIG" emblazoned upon it. The engineers had withdrawn well off to the side, and were surrounded by a circle of pizza boxes, coffee cups and take-out Chinese containers. Each wore a Hawaiian shirt, and a ball cap with the words "OG Rules" on it. And high on top of a hill, where they could look down on everyone else, was the third group, wearing T-shirts with the slogan "Accredited Developers Make Better Lovers."

When they saw the Creator, each group assembled proudly before Him, anxious to show off what they had designed and built. A spokesperson for the [self] Accredited Developers team elbowed ahead of the others.

"Greetings!" He said. "Despite the fact that not everyone has acknowledged the One True De Jure Way, I'm sure that you will agree that the OTDJW process has yielded the superior result. We created a splendid system that welcomed all would-be participants, acknowledged all viewpoints, reconciled all differences, and achieved complete consensus. Voila!"

With that, the team leader whisked away the blanket covering the OTDJW creation, and the Creator's eyes widened involuntarily.

Before Him stood what could best be described as the Swiss army knife of the new animal kingdom. The overall effect recalled an enormous sea urchin, but a sea urchin that had not spines, but every conceivable -- and, the Creator realized with astonishment appropriate to One who was omniscient -- inconceivable appendage jutting out at every available angle. A single horrified eye peered out forlornly from between a flipper and a tusk.

"Yes! Quite! I see that your creation is equipped to serve many purposes, some of which might possibly be useful," the Creator offered diplomatically.

The OG leader next stepped forward, and with a pitying look at the OTDJW offering, he presented a small, furry creature with enormous black eyes.

With relief, the Creator gave a smile of recognition. "Ah! A lemur! And a cute little fellow he is, too."

The OG project manager gave a smug smile. "Close, but no. A simple lemur would be *so* last creation. This is a *Lemurix* - created using the Open Gene process. The Open Gene process will permit our creation to constantly evolve. Everyone can work on any part of the Lemurix they wish to, and then contribute their features back to the same creature. The more that people work on him, the better he gets. The Lemurix is the ultimate, nonproprietary primate."

The Creator felt a little queasy as he looked at the Lemurix; it was actually morphing into something chimp-like before His very eyes.

With relief, He turned to the project leader of Team SIG, who bore a strange resemblance to what used to be Larry Ellison. Motioning him forward, the Creator wondered where in Creation 3.0 he'd managed to find a jacket and turtleneck sweater?

The Team SIG leader looked appreciatively at the Lemurix as he stepped forward; he'd have to send a few of his people over to the engineers' huddle and see if he could get in on the action. But that would have to wait till later.

"Now you'll see something that's insanely great!" the Team SIG leader said, more over his shoulder to the others than to the Creator. With a flourish, he revealed Team SIG's entry in the creation sweepstakes.

Team SIG's contender looked more or less like an anteater, but with some intriguing differences. Instead of the usual snout, its elongated nose terminated in the barrel of an AK-47. Also, the Creator noticed that the creature's back was armor-plated, while its antenna-shaped tail suggested wireless capabilities.

"And that would be exactly what?" the Creator asked with caution.

"That", the team leader pronounced, "is an AnTerminator. It not only does the job, but it will do in anything else that tries to compete with it. Level playing fields are great, but there's nothing like having it a little more level for you than the other guy, right?" The SIG Team leader gave a leering wink and tried to give the Creator a little poke in the ribs.

This was not going according to plan at all. As the Creator considered his options, the three teams hurled insults at each other. Several Team SIG members emerged from behind a bush, now disguised as members of the OG team, and sidled up for a closer look at the Lemurix. With disgust, the Creator noticed that the Lemurix had donned a single white glove and was starting to Moonwalk.

As he walked away, the Creator raised his eyes to the endless, timeless sky. With satisfaction, he saw that the world was in for a little rain.

Comments? updegrove@consortiuminfo.org

FEATURED MEETING

ConsortiumInfo.org is pleased to co-sponsor the following event:

LOCATION TECHNOLOGY AND BUSINESS INTELLIGENCE 2005

Philadelphia May 2-4
Hosted by Directions Magazine

With the evolution of geographic information system (GIS) technology over the past decade, more companies are realizing the benefits that may be achieved by leveraging the location-based information within their database resources to gain a competitive advantage in supply chain management, site selection, real estate investments, and insurance risk mitigation. The innovative software solutions available today to support the integration of geographic information with enterprise systems will be the main topic of this conference, hosted by ***Directions Magazine*** at the Wyndham Hotel at Franklin Plaza in Philadelphia, Pennsylvania on May 2-4.

The Keynote Speakers will be ***Tim O'Reilly***, CEO, O'Reilly Media and ***Mark Snow***, Field Marketing Director – Western Division, Cox Communications.

Conference attendees can expect workshop sessions focusing on location technology and business intelligence, with three tracks to choose from – Executive, Integration Technology or Applications.

Registration cost for professionals is $595; academic cost for faculty or students is $395. For online registration and a complete overview of the conference, including pre-conference workshops, agenda, sponsorship opportunities, venue and travel information, visit < www.locationintelligence.net>.

THE REST OF THE NEWS

Every day, we scan the web for all of the news and press releases that relate to standards, and aggregate that content at the News Section of ConsortiumInfo.org. For up to date information, bookmark our News page, or take advantage of our RSS feed: http://www.consortiuminfo.org/news/rss/ Updates are usually posted on Mondays and Wednesdays.

The following are just a few of the many stories from the past month that you can find digested at ConsortiumInfo.org.

New Commonalities

Shakespeare v. the Big Mouse: *One of the more interesting developments in the ongoing battle over the proper limits of copyright protection has been the birth of the Creative Commons licensing project conceived by Stanford University's Lawrence Lessig. While Napster and the entertainment industry have been focusing on what protections today's music can obtain in the near term, other forces have been quietly raising the ante of protection in the long term. Not long ago, for example, the Walt Disney Company successfully lobbied Congress to increase the scope of copyright protection by twenty years – thus protecting its early Mickey Mouse properties from entering the public domain. Lessig thinks that a less binary approach is the answer, and the Creative Commons licensing regime is his answer, allowing creators to decide what rights they wish to retain, and what rights they wish to share. The following two articles report on the most recent successes of the Creative Commons project: the launch of a localized set of Creative Commons licenses for use under U.K. law, and the endorsement of the Creative Commons' mission by the venerable Scientific American.*.

UK Gets Its Own Creative Commons
By: Graeme Wearden

ZDNet UK March 17, 2005 -- A version of the Creative Commons licensing scheme adapted for the UK's legal landscape will be formally launched in London on Wednesday evening. It's a groundbreaking licensing scheme that lets content be both shared and safeguarded, adapted to UK law. Creative Commons was first developed by US academic Lawrence Lessig as a more flexible alternative to the traditional copyright laws. It allows content creators to grant some rights to the public while keeping others...The UK-specific version has been some 15 months in the making, and has already attracted interest from some major British organisations. The BBC is expected to use the UK Creative Commons licences for its Creative Archive, in which it will throw open its back catalogue of broadcasting material. …Full Story

Beyond the Big (c)

Scientific American, February 14, 2005 -- If William Shakespeare were working today on Broadway or in London's West End, he would be spending a lot of time with lawyers. The Bard adapted Romeo and Juliet from Arthur Brooke's poem The Tragicall Historye of Romeus and Juliet, which Brooke, in his turn, had based on a French translation by Pierre Boaistuau of various Italian stories. The history of creative works, whether Romeo and Juliet or the Beastie Boys' "Pass the Mic," is a chronicle of "borrowing" from others. Intellectual-property lawyers might use a harsher word. But the framers of the Constitution always intended to provide owners of creative works with only limited monopolies, ensuring that the public gets the right to fashion new works from old. Over the years, however, Congress, sometimes at the behest of media companies, has erected immense barriers to derivative works by extending repeatedly both the length and the scope of copyright protection. ...Full Story

Standards in Action

Someday, my chips will come: *Elsewhere in the world, smartcards (credit cards that have a chip on board, rather than a simple magnetic stripe) have been making steady progress for years, but not in the United States, where smartcard deployment has been limited, at best, despite the fact that the standards groundwork has already been laid by a number of consortia (such as GlobalPlatform and the SmartCard Alliacne) and joint ventures (such as EMV). The first article below reports on the broad introduction of this new technology in South Africa in the general population, while the second describes an early adoption usage in the United States – as a superior identification mechanism for United States federal employees and contractors.*

Chip Cards Ready to Roll
By: Iain Scott

all.Africa.com, March 17, 2005 -- SA's four biggest banks are poised to issue their new chip-based cards, but some are ahead of others. Standard Bank looks to be the first to start rolling out the new EMV cards, with the group promising that new card holders will begin to receive them from May. EMV (Europay, MasterCard and Visa) is the global standard for chip-based bank cards. The deadline for EMV compliance passed on 1 January, which means banks that have not upgraded to the standard are now liable for losses attributed to fraudulent transactions that might have been prevented had they been compliant. "The bank has thousands of chip cards stock-piled and ready for processing and distribution," says Mike Olsen, head of Standard Bank's card division. "In fact, we have been ready to issue smart credit cards since early 2004, but our progress has been impacted by the readiness of other players in the market." ...Full Story

New ID Standard Announced for Federal Agencies

NIST Tech Beat, March 10, 2005-- Commerce Secretary Carlos M. Gutierrez recently approved a new standard for a smart-card-based form of identification for all federal government departments and agencies to issue to their employees and contractors requiring access to federal facilities and systems. On Aug. 27, 2004, President Bush issued a Homeland Security Presidential Directive calling for a mandatory, government-wide personal identification standard. Computer security specialists at the National Institute of Standards and Technology (NIST) worked closely with other federal agencies as well as private industry to develop Federal Information Processing Standard (FIPS) 201, Personal Identity Verification (PIV) of Federal Employees and Contractors. The standard specifies the technical and operational requirements for the PIV system and card. ...Full Story

Standards of war: *Standards have always played an enormous role in the military, although historically most of those standards were "government unique" specifications generated internally by the Department of Defense and other agencies. With the passage of the Technology Transfer and Advancement Act of 1995 (which mandates government use of voluntary consensus standards whenever possible) and the increasing reliance of the military on information and communications technology, commercial standards are becoming increasingly vital to the military and the defense industry. The article below relates to one of the most ambitious standards-based initiatives ever conceived: making available all information, from any source, anywhere, to everyone in the military sphere: a concept called network centric operations. and the endorsement of the Creative Commons' mission by the venerable Scientific American..*

French-US Defense Delegations and IPv6 Organizations Convene to Collaborate on New Generation Net-Centric Warfare Communications

MarketWire, Paris, March 9, 2005 -- Officials from the French Military Procurement Agency (DGA), the Communications-Electronics Research Development and Engineering Center (CERDEC), United States Army, IPv6 Forum, National IPv6 Task Force of France, and North American IPv6 Task Force met for two

days over the last month to discuss the deployment state and technology benefits of the new Internet Protocol version 6 (IPv6). Representatives from the two defense agencies agreed to jointly explore the introduction, transition, and eventual implementation of IPv6 to help support the evolution of network centric operations communication systems. The meetings were successful, and the defense agencies, IPv6 Forum, National IPv6 Task Force of France, and North American IPv6 Task Force will pursue additional collaboration efforts on IPv6. Since 2003, both defense agencies have defined similar policies for the integration and transition to the new standard established by the IETF, since the mid-90s, following concerns regarding the limitations of the existing Internet Protocol version 4 (IPv4). ...Full Story

Multi dinero: *The magnitude of savings that standards can enable is never adequately appreciated, but the following two articles provide examples of how substantial those savings can be. The first story reports on an effort in one very large country (the United States) involving XML, which promises to save billions of dollars in Homeland Security information sharing expense, while the second shows how much one small country (Denmark) expects to save by implementing a single standard.*

DHS, Justice work on XML
By: Dibya Sarkar

FCW.com, March 1, 2005 -- Homeland Security and Justice department officials have a new partnership to enhance development of an Extensible Markup Language model that could save federal, state, local and tribal agencies billions of dollars as they improve their computer systems to share information with one another. Officials said this represents a significant step in broadening the use of the Global Justice XML Data Model, which was started about three years ago, across the federal government. It could mean future partnerships with other departments, such as Transportation and Health and Human Services, and the intelligence community, which used the model as the basis for a schema to share the terrorism watch list. ...Full Story

Danish Government Requires Public Sector to Use UBL

Oasis-open.org, February 24, 2005 -- As of February 1, all invoicing in Denmark's public sector is legally required to be implemented through Universal Business Language (UBL) v0.7. The Danish Government estimates that it will save 94 million euro (177 million dollars) per year by standardizing UBL Invoices, and could save as much as 160 million euros (199 million dollars) per year if they standardize UBL Purchase Orders as well. ...Full Story

Coming soon to a small screen near you: More standards are being used to deliver more services to more platforms all of the time. Now, Yahoo customers will be able to access news feeds from their cell phones, using the RSS standard.

Yahoo adds syndication feature to mobile service
By: Dinesh C. Sharma

CNETNews.com, March 11, 2005 -- The addition to the Yahoo Mobile service, announced this week, allows people to use their phones to read RSS feeds they've subscribed to via their customized My Yahoo pages. Consumers can access news headlines available on their personalized pages via the Yahoo Mobile Web site using a WAP 2.0 mini browser on their handsets. They can read summaries of stories in about 1,024 characters and get full HTML Web pages if their browser supports HTML. Yahoo said subscribers need not have a smart phone, third-party browser or a custom Java client to use the new feature. ...Full Story

Who's Doing What to Whom

One sandbox, more and more playmates: *The IETF has always been unique among important standard setting organizations for its inclusiveness and low promotional profile. Now, as described in the first article below, that model is being tested financially as well as at its technical perimeter, as the standards infrastructure of the Internet become increasingly built out – and vital to commercial interests. But while some saw the W3C (among other standards bodies) threatening the IETF's turf, the second article below describes how the W3C is having its own issues with a splinter group of browser developers, causing division in the forms area.*

IETF Leaders Urge Detente With Rivals
By: Carolyn Duffy Marsan

Network World March 15, 2005 -- Last week at a meeting in Minneapolis, the IETF installed a new leader who vowed to improve the group's outreach to other organizations, including the International Telecommunication Union (ITU) and the World Wide Web Consortium (W3C), two rivals that are sometimes ridiculed by IETF participants....With individual rather than corporate participants, the IETF is an egalitarian, all-volunteer group. At the IETF's thrice-yearly meetings, winners of prestigious computer science awards rub shoulders with grad students. In IETF tradition, the best technical ideas are chosen regardless of who suggests them, and standards aren't published without working prototypes. However, the group that prides itself on rough consensus and running code is facing challenges such as financial difficulties and declining attendance. These challenges are forcing the group to change. ...Full Story

Fight over 'forms' clouds future of Net applications
By: Paul Festa

ZDNet, February 17, 2005 -- This week, a breakaway faction of the World Wide Web Consortium (W3C) said its work on the Web Forms 2.0 specification is nearly done and put out a call for final comments. The splinter group, which includes browser makers Apple Computer, the Mozilla Foundation and Opera Software, calls itself WHAT-WG, or the Web Hypertext Application Technology Working Group. The move brings a new entry into the race to take forms software to the next level, complicating efforts to create an open standards foundation for emerging Internet applications that could shape the competitive landscape in software development for years to come. It also marks a major new headache for the W3C, whose XForms recommendation, unveiled in 2003, has long been stymied amid resistance from proprietary software makers, especially Microsoft. ...Full Story

Intellectual Property

What's a software vendor to do? *Bashing of the United States trademark system in general, and of the Patent and Trademark Office (PTO) in particular, remained in vogue this month, with Microsoft (among other IT vendors) increasing the pressure for reform of the system and better funding of the PTO (see first article below). The muddled state of patent issuance and enforcement was typified by the latest decision in the Eolas/Microsoft patent infringement case involving the Internet Explorer Web browser, with both sides (as usual) claiming victory, each with some justification (see the second article). Meanwhile, Computer Associates, as reported in the last article, indicated that it may hop on the bandwagon set rolling by IBM, among others, that seeks to end-run the whole issue entirely, by pledging not to assert certain patents at all.*

Microsoft calls for patent reform
By: Grant Gross

IDG News Service March 13, 2005 -- WASHINGTON - Microsoft executives on Thursday stepped up their calls for reform of the U.S. patent process, saying the U.S. Patent and Trademark Office (USPTO) too often focuses on quantity instead of quality. Microsoft also called for a patent system that is more accessible to small investors, and executives recommended that the U.S. Congress end patent filing fees for small companies, nonprofit groups, universities and individual inventors. "The system has to work for everybody," said David Kaefer, director of Microsoft's IP Licensing Program. "It's only a system that works for the largest companies." Microsoft and other tech companies have pushed Congress to end the diversion of patent fees from the USPTO to the U.S. government general budget, saying that the office needs more funding to evaluate the growing number of patent applications. The USPTO receives more than 350,000 patent applications per year, triple the number it received 20 years ago. ...Full Story

Appeals court revisits Eolas decision
By: Paul Festa

CNETNews.com, March 2, 2005 -- The patent infringement case, brought by the University of California and its Eolas Technologies spinoff, had riled the Web over potential ripple effects that could have forced changes in millions of Web pages that use plug-in applications like Macromedia Flash and Adobe Acrobat that run inside the browser. Both sides claimed victory in the mixed ruling, which reversed part of the lower-court ruling, affirmed other parts of it, vacated the decision as a whole and sent it back for a new trial. "We cleared most of the serious issues, so I would consider this a victory for the university," UC spokesman Trey Davis said. "On the issues that would have mattered most to Microsoft, they lost." ...Full Story

CA confirms plans for open source patent pledge

Computer Business Review Online, March 3, 2005 -- Islandia, New York-based CA's development architect and European open source lead, Marcel den Hartog, told ComputerWire that details of the patent pledge are being worked through by CA's chief executive, John Swainson, and CTO, Yogesh Gupta. "It's the plan," den Hartog said. "I know he [Swainson] has worked on the preliminary work to get that done." Swainson joined CA in November 2004 from IBM Corp, which in January pledged 500 patents to the open source community. Although details are thin on the ground, den Hartog said CA's motive is to remove any suggestion that the company might hold a threat of litigation over Linux or other open source projects. ...Full Story

Story Updates

I know there's a standard for this somewhere: *In our January issue this year (Standards and the National Interest) our feature article reported in depth on the evolving support of the federal government for voluntary consensus based standards (See, A Work in Progress: Government Support for Standard Setting in the United States: 1980 – 2004 < http://www.consortiuminfo.org/bulletins/jan05.php#feature>) But with 28 agencies procuring goods and services in an almost endless number of technical domains, how is anyone in the supply chain supposed to know what standards to use? The following article reports on a new resource intended to help the ends meet.*

New Web Site 'Drills Down' into Government Standards

NIST Tech Beat, March 10, 2005 -- Protracted and, sometimes, fruitless searches for government-applied technical standards may soon be a thing of the past. A new Web site, Standards.Gov, provides

businesses, other organizations and interested citizens with a direct portal to sources of information on the thousands of specifications that government agencies reference in regulations or use to guide their purchasing decisions. The National Institute of Standards and Technology (NIST) launched the new site to further the government's progress in using private-sector standards in lieu of agency-unique specifications, whenever practical. ...Full Story

The year of the Tiger: *In our May, 2004 issue (Standards as Trade Barriers <www.consortiuminfo.org/bulletins/may04.php>) we focused on the use of standards by governments to protect domestic industry, using a current standoff between the United States semiconductor industry and China, which had adopted a "home grown" standard in preference to the globally implemented WiFi standard (see: Breaking Down Trade Barriers: Avoiding the China Syndrome <www.consortiuminfo.org/bulletins/may04.php#trends>) But with or without trade barriers, China is flexing its muscles, as the selection of articles below indicate, from the first – which shows that the standards world is now willing to go to Beijing, rather than expect Beijing to go to it – to the second, illustrating the power of China's centrally managed economy to control access to its enormous consumer population -- to the last two, which illustrate that there are still issues to resolve between China and the rest of the global standards community.*

RosettaNet e-Business Process Standards Consortium to Host Global Partner Conference in Beijing, China; Registration Expected to Reach Unprecedented Levels

BusinessWire, Lawrenceville, NJ, March 8, 2005 -- RosettaNet, the high technology industry's leading e-business process standards consortium and a subsidiary of the Uniform Code Council, Inc.(R) (UCC(R)), announced today that it will hold its annual Global Partner Conference April 20-21, 2005 at the Beijing Fragrant Hill Golden Resources Commerce Hotel in Beijing, China. The two-day education and networking event will bring together a global audience of more than 400 established RosettaNet consortium members as well as prospective trading partners from the high technology, telecommunication, logistics, and other industry sectors for informative sessions and networking opportunities. Sessions will provide insight from members on global standards synergies, RosettaNet Partner Interface Process(R) (PIP(R)) developments, updates on RosettaNet Asia, Europe and the Americas, and successful RosettaNet e-business process standards implementations. In addition, attendees will receive correct, up-to-date information on new business models and promotional programs for RosettaNet standard implementations. ...Full Story

Ericsson's Svanberg Expects Four 3G Licenses in China

Bloomberg.com, March 8, 2005 -- Ericsson AB Chief Executive Officer Carl-Henric Svanberg said China is likely to hand out four licenses for fast wireless services this year and the company expects to hold on to its market share in the country. ``The way we read it they are very much back into rolling out four licenses'' for so-called third-generation, or 3G, wireless services, Svanberg said yesterday in an interview at Ericsson's headquarters in Stockholm. Ericsson, the world's largest maker of mobile-phone networks, has ``a good chance of defending'' its 35 percent market share in China, he said. China will decide how many licenses and which 3G standards to use. Ericsson, along with Finland's Nokia Oyj, belongs to a group promoting one 3G standard, while a group led by Germany's Siemens AG and Beijing-based Datang Mobile Communications Equipment Ltd., a government-owned phone equipment maker, is promoting another. ...Full Story

China Works Out RFID Standards
By: Laurie Sullivan

InformationWeek, March 3, 2005 -- A delegation of representatives from Chinese government agencies, system integrators, vendors and standards group EPCglobal Inc. gathered at RFID World in Dallas this week to discuss radio-frequency identification technology in China. The Chinese government and industries within China are working to develop RFID standards that are in line with specifications being used elsewhere in the world, representatives from the delegation told InformationWeek. "China will use EPCglobal and ISO standards, but with some modifications to satisfy special needs in China," said Qiang Bai, CTO at uniView Technologies. China plans to participate in creating a global standard but will use its own intellectual property to build a royalty-free standard. ...Full Story

ISO meeting fails to back WAPI standard
By: Liu Yan

China Daily, February 24, 2005 -- A Chinese wireless network proposal failed to make a breakthrough at a meeting of the International Organization for Standardization (ISO) due to unfair treatment, according to the Chinese delegation. The Chinese delegation to a conference of ISO/IEC JTC/SC06/WG1, a working group under the ISO, said in a written statement on Wednesday that it would withdraw from the meeting in Frankfurt over the alleged unfair treatment. A salesman tests a notebook equipped with Intel's Centrino chip as practice of China's wireless network connection standard WAPI has been oft-delayed. [newsphoto] The conference is discussing a wireless network connection standard and the Chinese side proposed its Wireless Authentication and Privacy Infrastructure (WAPI), which is designed to increase the security of the wireless local area network (WLAN) and competes with the IEEE802.11i for the international standard. ...Full Story

Standards and Society

Is that an orange in your ear, or are you just happy to hear from me? *There have been health concerns involving cell phones almost from day one, although to date there has been little evidence of any actual increase in brain tumors or other adverse physical effects. Nevertheless, given the increasing prevalence and use of cell phones and other wireless devices, the IEC has issued new standards to help accurately test for compliance with existing standards intended to keep radio wave exposure to what are believed to be acceptable limits.*

Mobile Phone Radio Wave Exposure Limited by Standard

ANSI News and Publications, New York, NY, February 23, 2005 -- Concerns over possible harmful health effects of mobile phone use have spurred standards that dictate limits on radio wave exposure emitted by phones and other wireless handheld devices. The International Electrotechnical Commission (IEC) recently published a new International Standard specifying test methods for compliance with limits on radio wave exposure from mobile phones. The new International Standard IEC 62209-1 was developed jointly by the IEC, by the European Committee for Electrotechnical Standardization (CENELEC) and by the Institute of Electrical and Electronics Engineers (IEEE), who worked together informally through common membership in various technical committees. Limits on specific absorption rate (SAR) - the rate at which radio frequency energy emitted by mobile phones is absorbed by the human body - are set by organizations such as the International Commission on Non-Ionizing Radiation Protection (ICNIRP), headquartered in Germany, and IEEE, an ANSI member and accredited standards developer based in the United States. ...Full Story

Open Source

Growing up and leaving home: *One year ago, IBM spun the Eclipse Foundation out into the world, after heavily funding the initiative in its infancy. It looks like the decision has paid off handsomely, although (as the following article tells) when a child grows up and leaves home, you can only stand by and watch as it finds its own way.*

Eclipse lights up Java crowd
By: Martin LaMonica

ZDNet.com, February 28, 2005 -- On Monday, a sold-out EclipseCon conference will open and, unlike last year's inaugural meeting, IBM technical gurus will not be the center of attention. Instead, the open-source foundation will fete its newest board members--IBM rivals BEA Systems, Sybase and Borland International--and detail the expanding list of development-related projects under Eclipse's purview. "Eclipse is definitely the dominant Java tools platform," said Thomas Murphy, an analyst at the Meta Group. "And increasingly, the Eclipse organization will be pushing this message of a general-purpose platform." ...Full Story

If one is good, isn't 67 (and counting) better? *The (now) venerable GNU open source license has spawned a large brood of descendants, many of which have been blessed by the Open Source Initiative as being suitable for use in an open source environment. Even assuming that there are valid purposes for so many variants, however, the need for containment for coherence sake is becoming a topic of increasing concern.*

Open-source board eyes fewer licenses
By: Martin LaMonica

CNET News.com, Boston, MA, February 16, 2005 -- The Open Source Initiative, an influential open-source organization, is devising ways to cut down on the rising number of open-source licenses attached to software. The issue was on the front burner at this week's LinuxWorld conference here. Open-source software makers are concerned that a proliferation of licenses could hurt the spread of open source by creating compatibility problems and complicating potential sales. The OSI, a nonprofit group that issues certifications for open-source licenses, has been investigating the topic since last year. ...Full Story

Don't do that! *As highlighted in the feature article of this month's issue, open source and open standards are converging rapidly, with some large customers beginning to view them as being joined at the hip, as noted in the following article. Not surprisingly, the Business Software Alliance, which represents hundreds of software companies (most of which have not yet jumped on the open source bandwagon) is not happy.*

BSA Criticizes EU's 'Open Standards' Policy
By: Matthew Broersma

eWeek, February 17, 2005 -- The Business Software Alliance is lobbying the European Commission to loosen restrictions on the "open standards" required for a pan-European interoperability initiative, the latest such program to face industry resistance. In an open letter to the European Commission released publicly on Wednesday, Benoît Müller, the BSA's director of European software policy, said the EC's strict definition of open standards in the European Interoperability Framework for Pan-European eGovernment Services, or EIF, would prove to be counterproductive because it would exclude such widely recognized standards as DHCP (Dynamic Host Configuration Protocol), 802.1X and even the cell phone technology GSM (Global System for Mobile Communications). Müller also said the framework shouldn't imply a link between open-source software and open standards. ...Full Story

Security Update

Your servant, ma'am: *Standards continue to be crucial to the multiple types of security concerns that are becoming increasingly urgent. The following selection of articles demonstrates the breadth of this involvement, from (in order below) browsers, to markup languages, to domain names. The last two articles address the problem globally, from the standpoint of government policy, to demands from end-users for across the board open, interoperable security solutions.*

Microsoft yielding to IE standards pressure?
By: Paul Festa

CNETNews.com, March 17, 2005 -- After a years-long drumbeat of developer complaints, Microsoft may finally be budging on its support for standards and on key missing features in its Internet Explorer browser. Microsoft last month broke with a longstanding pledge and said it would release a new version of IE before its next major Windows upgrade. Security concerns catalyzed the shift in plans, and Microsoft has kept mum about any possible standards or feature upgrades that might accompany the security improvements. But a source familiar with Microsoft's plans confirmed a Tuesday report on MicrosoftWatch that IE developers, who have code-named their project Rincon, are at work on non-security features and standards support, including tabbed browsing, support for IDN (Internationalized Domain Names), improved support for CSS 2 (Cascading Style Sheets) and PNG (Portable Network Graphics) transparencies. ...Full Story

Members Approve Security Assertion Markup Language (SAML) v2.0 as OASIS Standard

OASIS-OPEN.org BOSTON, MA, USA; 14 MARCH 2005 -- OASIS, the international e-business standards consortium, today announced that its members have approved the Security Assertion Markup Language (SAML) version 2.0 as an OASIS Standard, a status that signifies the highest level of ratification. SAML v2.0 enables the secure exchange of authentication, attribute, and authorization information between disparate security domains, making vendor-independent Web single sign-on and secure e-business transactions possible. Version 2.0 adds key functions to create and manage federated networks that combine and appropriately share pre-existing repositories of identity information....SAML provides a standard XML schema for specifying authentication,attribute, and authorization decision statements, and also specifies a Web services-based request/reply protocol for exchanging these statements....SAML leverages core Web services standards including XML, SOAP, Transport Layer Security (TLS), XML Signature (XMLSIG), and XML Encryption (XMLENC). ...Full Story

Opera Calls for Consortium on IDN Fix
By: Nate Mook

eWeek, February 22, 2005 -- Opera Software has called on its fellow browser makers and the Internet community as a whole to band together in an effort to fix the security issues related to Internationalized Domain Names. The IDN standard was called into question earlier this month following news that it could lead to domain spoofing and phishing attacks. The problem with IDN stems from its use of the Unicode character set to enable domain names that include international letters. But because the DNS system that facilitates the Internet only understands ASCII, or U.S. English characters, Unicode URLs must be converted by a Web browser into a format called "Punycode." ...Full Story

TIA Works with Government and Industry to Implement National Strategy to Secure Cyber Space

TIA Press Release, Arlington, VA, February 22, 2005 -- The Telecommunications Industry Association (TIA) announced today the February 16 release of the National Cyber Security Progress Report. The report is a product of a combined effort by members of the National Cyber Security Partnership (NCSP) and co-sponsors -- the Information Technology Association of America (ITAA), BearingPoint, VISA USA, the Center for Internet Security, and the University of Southern California's Institute for Critical Information Infrastructure Protection at the Marshall School of Business -- to work toward implementing the White House's National Strategy to Secure Cyber Space. The progress report was a compilation of results from a survey conducted by the University of Southern California's Institute for Critical Information Infrastructure Protection (ICIIP) at the Marshall School of Business. The Web-based survey drew 175 examples of cyber security-enhancing products, services or activities from 65 responding organizations including TIA. Participating organizations included cross-sectoral and vertical industry groups and trade associations; multinational and owner-operated businesses; academic institutions and professional societies. . Full Story

User group calls for open security standards
By: Daniel Thomas

VNUnet.com, March 2, 2005 -- International user group the Jericho Forum is calling on vendors to build security products based on open standards for interoperability. In a code of conduct agreement sent to all suppliers wanting to join the forum, the group says: 'Vendors should refrain from offering or promoting proprietary solutions and/or technology subjective to restrictive patents or licensing unless they are prepared to offer them as an open solution/standard.' ...Full Story

New Initiatives

Hop, skip and a jump: *Action to create more and more new wireless standards, using a variety of technical approaches and frequencies, continues unabated. The following article describes yet another new initiative in this area -- with a novel technical twist.*

Intel hangs mesh hopes on 802.11s
By: Rupert Goodwins

ZDNet UK, March 3, 2005 -- Intel has unveiled its first proposals for 802.11s, a new mesh wireless networking standard. Mesh networks are self-configuring systems where each node can relay messages on behalf of others, thus increasing the range and available bandwidth. W. Steven Conner, wireless network architect at Intel and technical editor of the IEEE's 802.11s task group, told engineers at the Intel Developer Forum in San Francisco on Wednesday that at present there are no standards for this. Although mesh networks are already in use for very large deployments in cities such as Taipei, and in some industry sectors, none of the systems interoperate or are suitable for domestic or office environments, Conner claimed. ...Full Story

Milestones

Transitions: *Not infrequently, consortia tend to be transitory efforts, for a variety of reasons. Sometimes initiatives fail, sometimes they overlap, and sometimes they just finish what they were formed to accomplish. The following is an example of one such transition.*

Ultrawideband partners merge
By: Rupert Goodwins

ZDNet UK, March 3, 2005 -- Two of the major groups in ultrawideband development, the WiMedia Alliance and the Multiband OFDM Alliance (MBOA), have merged. The two industry bodies have been closely aligned for some time: WiMedia previously endorsed MBOA's proposed UWB standard in April 2004, and the groups shared the majority of their directors. The merger was announced at the Intel Developer Forum in San Francisco on Wednesday. "Industry will benefit from a single strategic focus for specification definitions and regulatory organisations." said Kursat Kimyacioglu, director of business line development for business connectivity solutions at Philips and a vice-president of the WiMedia Alliance. ...Full Story

Is there no end to virtualism? *Modern standards have existed for over 100 years, and one of the historic examples of a standard from the earliest days is in danger of being replaced, and virtually, at that. The standard in question is the physical reference example of the kilogram – charmingly (and soon to be even more accurately) referred to as the "Kilogram artifact". The proposed new standard would be based upon a "natural phenomenon," rather than a physical artifact that can be seen (but not touched – skin oils would add to the artifact's weight).*

Experts Urge Redefinition Of the Kilogram

NIST Tech Beat, February 24, 2005 -- It's time to replace the 115-year-old kilogram artifact as the world's official standard for mass, even though experiments generally thought necessary to achieve this goal have not yet reached their targeted level of precision. That the conclusion of an upcoming Metrologia journal article* authored by five eminent scientists from the United States, United Kingdom and France that was discussed at a scientific meeting of the Royal Society of London on Feb. 14-15. The authors of this Metrologia paper suggest replacing the kilogram artifact-a cylinder of platinum-iridium alloy about the size of a plum-with a definition based on one of two unchanging natural phenomena, either a quantity of light or the mass of a fixed number of atoms. ...Full Story

Standards are *Serious* (right?)

Convergence take X+n… *We have already witnessed the convergence of information and communications technology in mobile devices sound and video in multimedia and operating systems and vehicles. So why indeed not "RFID for Food Animals?"*

AIM Global Announces Draft RFID Standard for Food Animal Identification

AIMGlobal Press Release, Warringdale, PA, February 17, 2005 -- AIM Global, the trade association recognized as the worldwide authority on automatic identification and mobility, today announced the development of a Draft Standard for "RFID for Food Animals." At the direction of the AIM Global Standards Advisory group, a subcommittee of the AIM North America Standards Committee developed the draft standard to extend the current capabilities of RFID animal identification. The draft standard incorporates existing ISO standards for low frequency (LF) RFID (ISO 11784, ISO 11785, ISO 14223-1), and ultra high frequency (ISO/IEC 18000-6, ISO/IEC 15961, ISO/IEC 15434) and defines expanded data content for Ultrahigh Frequency (UHF) RFID (860-960 MHz) tags. ...Full Story