



Attorneys at Law

# Consortium Standards Bulletin

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## THE REST OF THE NEWS

### New Standards

**Democracy in Action:** One of the fast growing (and fastest morphing) grassroots phenomena of the 'Web of late has been the weblog, or "Blog." Given the populist nature of this new communication methodology, it is hardly surprising that the necessary standards foundation for blogging should arise through a similarly informal and chaotic process. In the latest development, we now have dueling de facto standards for blogging, as reported by Cathleen Moore in InfoWorld, and CNET News.com's Paul Festa.

#### Debate Flares Over Weblog Standards By Cathleen Moore

**InfoWorld.com, July 18, 2003** - ...Most Weblogs are currently fueled by RSS, known both as Really Simple Syndication and RDF (Resource Description Framework) Site Summary. Based on XML, RSS is a Web publishing format for syndicating content; it is heralded for its simple yet highly effective means of distributing information online. Although not officially sanctioned by a standards body, the format enjoys wide adoption by RSS content aggregators and publishing systems. Despite the undisputed popularity and proven utility of RSS, a new standard is emerging in an attempt to lay the foundations for the Weblog's future. Originally dubbed Echo and now rechristened as Atom, the effort is described as a grassroots, vendor-neutral push to address some of the limitations of RSS...

Full story: [http://www.infoworld.com/article/03/07/18/28NNrss\\_1.html](http://www.infoworld.com/article/03/07/18/28NNrss_1.html)

#### Battle of the Blogs: Dispute Exposes Bitter Power Struggle Behind Web Logs By Paul Festa

**CNET News.com (August 04, 2003).** As commercial interests have increasingly dominated the Internet, Web logs have come to represent a bastion of individual expression and pure democracy for millions of bloggers. The conflict centers on something called Really Simple Syndication (RSS), a technology widely used to syndicate blogs and other Web content....The dispute pits Harvard Law School fellow Dave Winer, the blogging pioneer who is the key gatekeeper of RSS, against advocates of a different format. The most notable of these advocates are Blogger owner Google and Sam Ruby, an influential IBM developer who is now shepherding an RSS alternative through its early stages of development.

For the full story, see: [http://news.com.com/2009-1032\\_3-5059006.html](http://news.com.com/2009-1032_3-5059006.html)



**So Many Transmitters, So Few Frequencies:** Not that long ago, radio frequencies were the concern of a limited set of commercial interests. Today, with the proliferation of standards-based services intended to free printers from cables and laptops from hardwire network connections, not to mention enable building-wide wireless networks, the allocation of radio frequencies has become a matter of broad and urgent concern. Equally important is agreeing upon global conformity of allocations and standards, in order to permit seamless services on a worldwide basis. While Americans were celebrating the 4th of July, the following press release was issued upon the conclusion of the World Radiocommunications Conference, announcing landmark decisions in many vital areas.

## World Radiocommunication Conference Concludes: Agreements Define Future of Radiocommunications

**Geneva, 4 July 2003** - The World Radiocommunication Conference 2003 (WRC-03) concluded, after four-weeks of negotiations, with a blueprint for the global radiocommunication sector that reflects its current and future needs. The WRC is the international forum where Members States gather to revise an international treaty known as the Radio Regulations. It contains frequency allocations for more than 40 radiocommunication services...WRC establishes the global technical, operational and regulatory guidelines for the use of frequency spectrum and satellite orbits...Here are some key highlights from the conference: new frequency allocations...for the implementation of wireless access systems including RLANs [were established]...ITU delegates...approved a resolution that will pave the way for the deployment of new technologies for wideband and broadband public protection and disaster relief applications...The issue of high altitude platform stations (HAPS) was the topic of much negotiation during the conference. While the concept of HAPS isn't new, there are new projects proposed that aim to provide wide-area fixed wireless services from balloon-like devices located in the Earth's stratosphere...guidelines for the implementation of HDFSS [high-density applications through fixed-satellite service] in a number of frequency bands [were approved; and much more].

For the full press release, see: [http://www.itu.int/newsroom/press\\_releases/2003/19.html](http://www.itu.int/newsroom/press_releases/2003/19.html)



## New Initiatives

**One World, One Registry:** XML has become the lingua franca of Internet-based standard setting. Important work is being carried out under its banner by a wide variety of organizations, from ones that focus on it broadly, such as OASIS, to organizations with diverse charters that have adopted XML as a means to their ends. The following article announces the first release of a suite of new standards created through the collaboration of a global standard setting organization -- EAN International -- and its United States affiliate -- The Uniform Code Council (UCC). The new standards are a further step towards achieving the EAN-UCC goal of creating a "Global Registry," permitting worldwide product searches.

### Publication of Latest EAN.UCC E-Business Message Standards

**The Internet, August 4, 2003** -- EAN International, the global supply chain information management standards body, is ramping up its output of e-Business standards... It has published new XML Standard Schemas for Global Data Synchronisation (GDS) and the first tranche of revised message standards for XML Business Message Standards. This is all being published as the "EAN.UCC E-Business Message Standards, version 1.3," but further messages, the second tranche of this publication, will follow in October 2003. The EAN.UCC E-Business Message Standards v 1.3 have been produced through the Global Standards Management Process (GSMP), the worldwide process developed and jointly managed by EAN International and The Uniform Code Council (UCC) of the United States to ensure quality and speed in development of the EAN-UCC system, in order to meet the needs of business as it arises from users around the world.

For the full story: [http://www.ean-int.org/Doc/NR\\_9\\_03\\_Publication\\_e\\_business\\_Standards1.pdf](http://www.ean-int.org/Doc/NR_9_03_Publication_e_business_Standards1.pdf)



## What's Up/What's Down

**Wal-Mart Cancels 'Smart Shelf' Trial**  
By Alorie Gilbert and Richard Shim

**CNET News, July 9, 2003** - Wal-Mart Stores has unexpectedly canceled testing for an experimental wireless inventory control system, ending one of the first and most closely watched efforts to bring controversial radio frequency identification technology to store shelves in the United States. A Wal-Mart representative this week told CNET News.com that the retail giant will not conduct a planned trial of a so-called smart-shelf system with partner Gillette that was scheduled to begin last month at an outlet in Brockton, Mass., a Boston suburb.

Full story, see: [http://news.com.com/2102-1019\\_3-1023934.html?tag=ni\\_print](http://news.com.com/2102-1019_3-1023934.html?tag=ni_print) (additional related stories are available through embedded links)



**What, me Western?** *It is not always appreciated in the United States that standards can be used to national or regional advantage -- a fact that Europe has known, and exploited, for quite some time. Now China, in an effort to avoid MPEG licensing fees that would primarily benefit western companies, is promoting its own standard, one which would bear a lower royalty. And guess who's signed up to help? Major occidental companies like IBM, Microsoft, and Phillips.*

### **China to Snub MPEG Standard for Own Format**

**CNETAsia, August 1, 2003** - China will have its own audio-video compression standard, as part of moves to shift reliance away from Western formats. According to a report from wire agency Dow Jones, multinationals like Microsoft, IBM and Philips have already signed up to be part of the new standard's working group. The new format is aimed at rivaling technology from the globally-dominant MPEG (Moving Picture Experts Group)....Hardware manufacturers and content providers pay licensing fees to the MPEG Licensing Authority (MPEG LA) for the use of these compression standards. MPEG LA represents 18 patent holders, including Apple Computer and Sun Microsystems....The competing Chinese standard, known as AVS, will be proposed as a national standard in 2004.

**For the complete story, see:**

<http://asia.cnet.com/newstech/applications/0,39001094,39144293,00.htm>



### **Advocacy**

**[I'll Just] Take That!** *The legal case which has been followed with perhaps the most attention by accredited standard setting bodies over the last year is one which arose in Texas, and is usually referred to simply as "the Veeck case." In that case, a building code referenced a standard, and the plaintiff objected to the practical necessity of purchasing a copy of a standard to which he was legally bound to conform. Since most accredited standard setting bodies have low membership fees, they derive a significant amount of their operating budgets from the sale of copies of standards. Hence, any requirement to give away their standards would force them to adjust their business model. Although the holding in the Veeck case would not impact all standards even if it was applied nation-wide, the potential for expanding the doctrine beyond its facts and legal rationale has helped place the case in the limelight.*

*Recently, the Supreme Court decided not to hear an appeal from the lower court hearing in Veeck, and therefore its holding remains binding in the Fifth Circuit - as well as a precedent which courts in other circuits may decide to follow, even if they are not bound to do so. As a result of the Supreme Court deciding not to hear the appeal, uncertainty will reign for the indefinite future. As noted in the brief filed by the defending standards body in the case, "Does the government's decision to make the copyrighted proposals binding place the copyrighted material in the public domain? The First Circuit said maybe. The Second and Ninth Circuits said no. And nine of fifteen Fifth Circuit judges said yes."*

*The following article from the ANSI site provides a review of this last step in the progress of the Veeck case up the judicial ladder.*

## U.S. Supreme Court Decides Not to Adjudicate Appeal in SBCCI v. Veeck

**New York, July 8, 2003** - Southern Building Code Congress International v. Veeck addresses the issue of whether a standards developer's code enters the public domain when it is adopted or referenced by a government entity and thereby becomes "the law." Sitting en banc in June 2002, the U.S. Court of Appeals for the Fifth Circuit answered "yes" to that question. In the final development of the case, the United States Supreme Court has decided not to hear an appeal from the Fifth Circuit's decision, thereby leaving it intact as legal precedent with regard to this issue.

For the complete story, see:

[http://www.ansi.org/news\\_publications/news\\_story.aspx?menuid=7&articleid=446](http://www.ansi.org/news_publications/news_story.aspx?menuid=7&articleid=446)



## Standards In the World

*Is there a Standard for Everything? No - as this article shows, there are usually quite a few interlocking standards for everything. In this case, the topic is wind power, and a host of international standards organizations have set both device-wide and component level standards involving wind turbines, and addressing everything from noise and performance levels to environmental issues - yet another example of how the global standards infrastructure supports a myriad of industries and concerns.*

### Wind Farms Produce Energy and Controversy: Standards Address Challenges Posed by Opposition

**New York, June 24, 2003** - Wind is the world's fastest-growing energy resource and also the source of plenty of controversy these days. In Cape Cod, Massachusetts, plans to build America's first offshore wind farm are met with enthusiasm from the nation's leading environmental groups and opposition from local residents including public figures like Robert Kennedy Jr. and Walter Cronkite.

Full story: [http://www.ansi.org/news\\_publications/news\\_story.aspx?menuid=7&articleid=437](http://www.ansi.org/news_publications/news_story.aspx?menuid=7&articleid=437)



## Intellectual Property

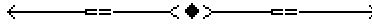
*Stop the US Software Patent Virus? The patentability of software is an emotional issue to many in America, especially to advocates of open source licensing models. Patent practices regarding software in Europe are not currently the same as in America - and many people would like to keep it that way, as reported by Matthew Broersma in this article.*

### Software Patent Vote Delayed

**CNET News.com, June 30, 2003** -- A Monday vote on a controversial software patents proposal in the European Parliament has been put back until September, amid criticism that the legislation would institute a U.S.-style patent regime that would be detrimental to European small businesses and open-source software developers. The proposed software-patenting legislation is the result of a European Commission effort to clarify patenting rules as they apply to "computer-implemented inventions," a term that includes software.

For the full article, see: [http://news.com.com/2100-1012\\_3-1022181.html](http://news.com.com/2100-1012_3-1022181.html)

For a prior article by the same author on the same topic, see: <http://news.com.com/2100-1012-998547.html?tag=nl>



**Process makes Perfect** *In the May issue, we reported on the new IPR policy of the World Wide Web Consortium (W3C). The W3C is widely respected for the "best practices" reflected by its standard setting process. Recently, it reviewed and made revisions to these rules. These revisions should be of interest to other organizations that have modeled their own process in whole or in part on that of the W3C.*

### **W3C Process Document and Publication Rules Published**

**W3C Weekly News, June 28 - July 3** - A new "W3C Process Document" is operative effective 1 July 2003. Produced by the W3C Advisory Board and reviewed by the W3C, the document describes the structure and operations of the W3C. Among the changes are new document maturity levels, rules for amending Recommendations, and an enhanced liaison process for W3C work with partner organizations. The companion "W3C Publication Rules" have been updated and are public.

For the complete text, see: <http://www.w3.org/2003/06/Process-20030618/>  
And <http://www.w3.org/2003/05/27-pubrules>



### **Miscellaneous**

**Which Way do We Go? ISO** - *the International Organization for Standardization - is the "top of the stack" for many types of global standards. With 13,700 standards under its mark and 147 National Standards Institutes as members, its influence on standards and standard setting is therefore very great. When an organization that is this influential launches a long range strategy initiative, its worth paying attention to the expected results.*

### **ISO Seeks Input on Strategy for 2005-2010**

**New York, NY, July 11, 2003** - The International Organization for Standardization's (ISO) Council and its Standing Committee on Strategies (CSC/STRAT) recently announced a call for input from ISO's national standards bodies and their stakeholders on the development of the organization's long-range strategies for 2005 through 2010. The initiative, dubbed ISO Horizon 2010, highlights a series of strategic issues for the organization and seeks input on questions related to these key matters. It will take account of "market and societal trends, and input from a broad base of stakeholders, including those represented by ISO's members and by international organizations....to defin[e] a clear, rational and well-planned path forward for ISO in the years ahead."..The ANSI ISO Council is developing U.S. input to be submitted to ISO.

For the full story, see: [http://www.ansi.org/news\\_publications/news\\_story.aspx?menuid=7&articleid=449](http://www.ansi.org/news_publications/news_story.aspx?menuid=7&articleid=449)



# TELLING THE NEWS

**Andrew Updegrove**

In December of 2002 we created the first issue of the Consortium Standards Bulletin. Our goal in launching this new publication was to fill a perceived void in the technical press. True, news sources such as CNET and InfoWorld are paying increasing attention to standards development, but nowhere is there a place where all of the news relating to standards and standard setting is aggregated, analyzed and presented in a coherent fashion. Nor is there a place where readers can go to reliably find news and analysis on topics such as government policy, antitrust issues and international developments involving standards. Finally, there is no journal that is dedicated exclusively to the examination of the higher-level importance and impact of standards on the world in a consistent and thoughtful fashion.

For the first seven issues of the CSB, we attempted to fill all of these needs through a single publication, providing an editorial, a lead article and a "trends" piece, all relating to a single theme which was the focus of that issue. In addition, we provided links to scores of the most important press releases and stories in the preceding month, as well as updates on evolving situations and stories.

What became clear to us over time was that we were combining two types of publications into one: a journal providing thought provoking articles and a news aggregating service. This somewhat schizophrenic approach blurred the purpose of the publication, and also resulted in a publication of rather intimidating length. As a result, we have decided to bifurcate the Consortium Standards Bulletin, and offer two electronic publications (both free) in place of one: The Consortium Standards Journal and the Consortium Standards Bulletin.

In the future, you will receive the Consortium Standards Journal on a bimonthly basis, beginning in September of 2003. It will continue to present themed issues containing editorial, feature, trend and other original articles. On a monthly basis, you will receive the Consortium Standards Bulletin, which will have a new and improved format intended to make it more useful:

- Each issue will begin with a "News Cluster" -- a collection of press releases and articles from the trade and popular press on a given area of standards which is attracting a high degree of attention, such as wireless, web services or RFID Tags.
- Each news item included will have an introductory annotation that will tie it into the overall themes which are evolving in the news, and which have been covered in previous issues of the Consortium Standards Bulletin, the Consortium Standards Journal or at the ConsortiumInfo.org website.
- Instead of including links to all recent articles in each issue, we will select and include only the most important stories, so that once a month you can efficiently get up to speed on what is happening in the world of standards. Of course, you can still visit the News and Events section of ConsortiumInfo.org to find all of the most important news, aggregated and pre-screened to exclude the "non-news" from the real news.
- The news shorts included will continue to be sorted by category, and each category will end with a link back to the News and Events section of ConsortiumInfo.org. By clicking on that link, you will be able to find not just additional stories that have been added since the last issue of the CSB in the same category, but an archive of all news items added since December of 2002.

Always remember that we add news items to the News and Events section of ConsortiumInfo.org on a daily basis. To stay current on all of the news of interest to the standards world, carefully aggregated, selected, annotated and categorized, simply bookmark <http://www.consortiuminfo.org/news/>

So with two publications for the price of one (free) one, we'll continue to bring you the news, from more sources and in more detail than ever before. If you've got news to share, don't keep it a secret -- let us know.

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