

Initial EUPACO FFII Conference

Munich, November, 25th 2006

Iniciativa promovida por

HISPA LINUX

OSL/CA
Organización de Software Libre
de España

Opentia

Fajardo-López
Abogados

Igles

Iniciativa Focus

...entre muchos otros.

La información...

Estándares Abiertos

...¡debe fluir!

by

Alberto Barrionuevo

FFII, EstandaresAbiertos.org

OpenDocument Fellowship

OpenDocument Alliance

conference

***Introduction
to open
standards***



EstandaresAbiertos.org



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Versión 1.0beta-EUPACO-FFII-Munich



Who is the speaker?

I'm NOT

layer

patent attorney

patent official

I am

IT engineer

entrepreneur / investor

economical and social actor

Target of the conference

a) Which market model ?

1) **free market**

2) **monopoly market**

b) Who should decide it?

1) **the democracy**

2) **public servants and
multinationals**

Agenda

Conference inscription exam ;o)

Software patents

Standards, definition and its kinds

How to hijack and standard

Open standards and free market

Software patents and monopolistic market

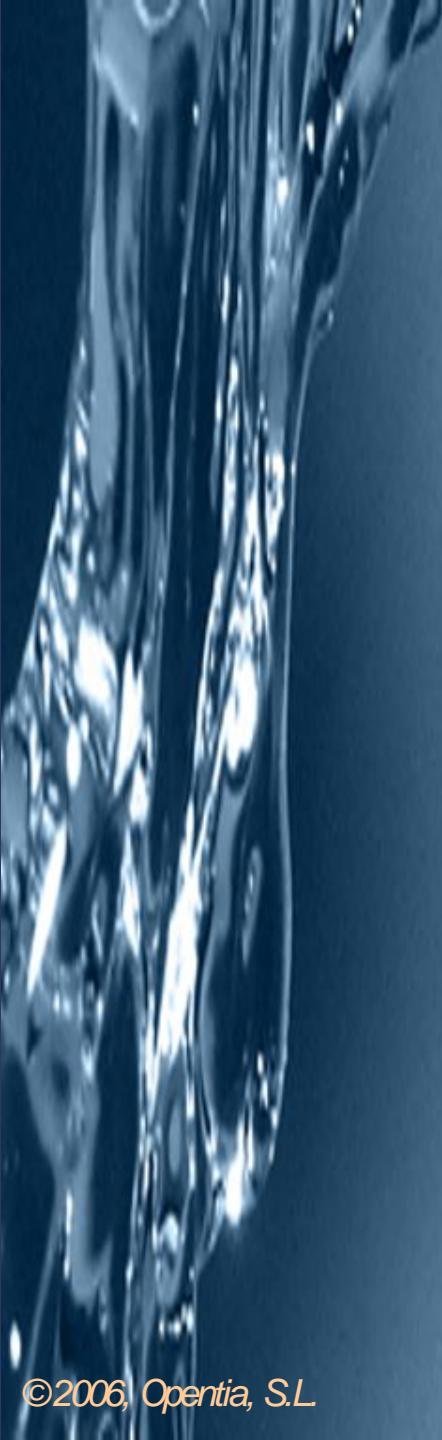
Two business models for SMEs for two different market models

Who decides the market for Europe?

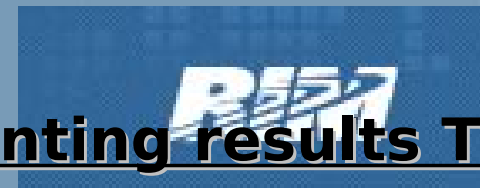
Conclusions



512,5



N.T.P.



Accounting results T

Revenue:
\$550 mill.

“Extortion”:
\$512 mill.

Other results:
-15% under expectat

-15% subscribers



Incentive investment and innovation

The **SOCIETY GRANTS** where it considers good for itself

MONOPOLIES⁽¹⁾

Copyright

Patents

Trademarks

Designs

RIGHTS

Industrial secret

Comercial secret

The spreadsheet “invention”

VISICALC

- First spreadsheet in the market (1979)
- Sold to Lotus Development Corporation
- Lotus Notes in 1983
- Excel appears in 1987

“I'm not rich because I invented VisiCalc, but I feel that I've made a change in the world. That's a satisfaction money can't buy.”

Dan Bricklin

Knowledge and Information

As defined by the Spanish language “Real Academia”

Knowledge:

- 2. m. Understanding, intelligence, natural reason.
- 9. m. pl. Notion, science, savvy.

Information:

- 5. f. Communication or acquisition of knowledge that allows to increase or precise what are already hold regarding some matter
- 6. f. Communicated or acquired knowledge.

Information communication

As defined by the Spanish language “Real Academia”

Communication:

3. f. Signal transmission via a common code between the source and the target.

“Common code”

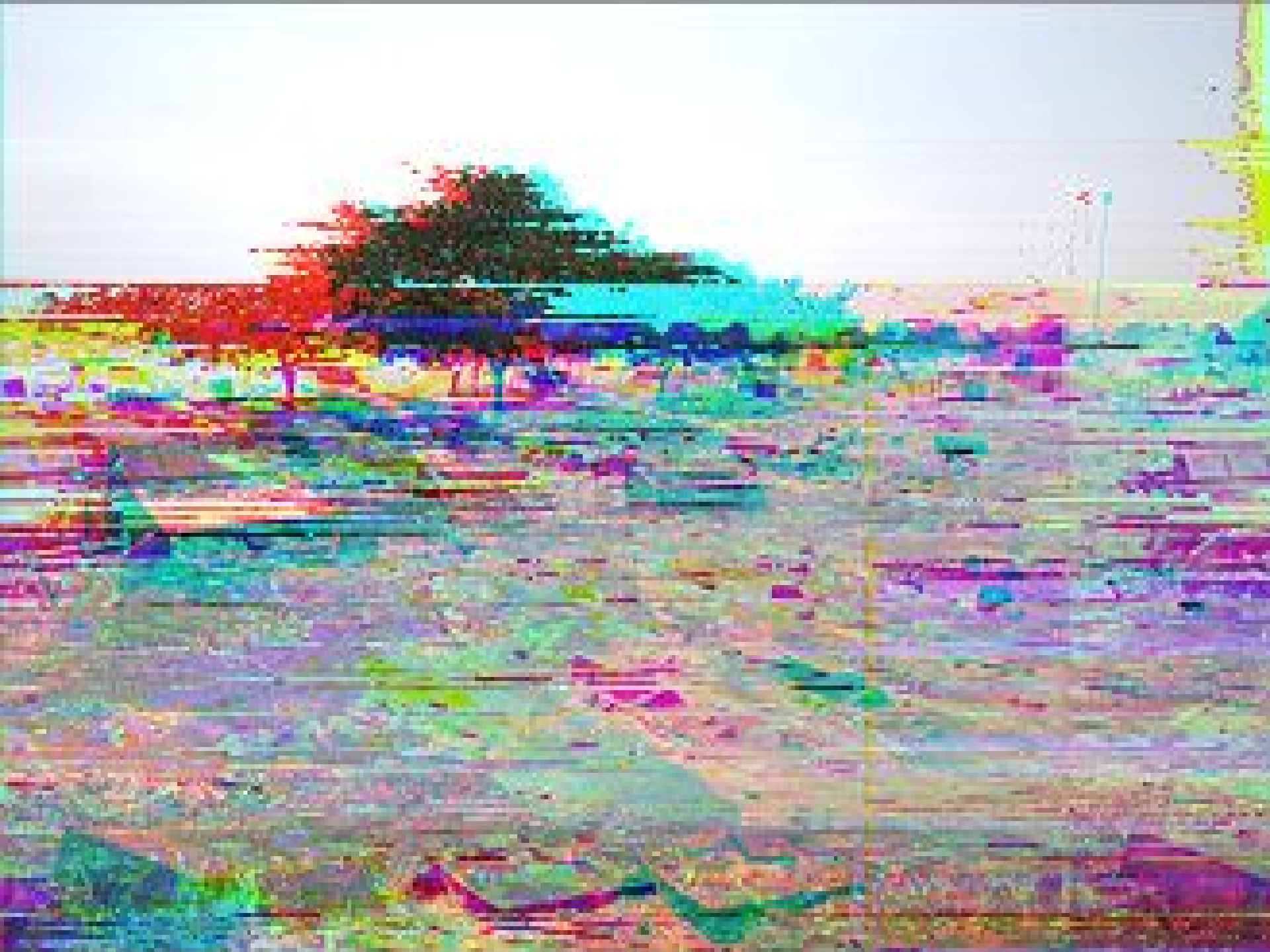
What happens if it is not as common...?

Secret transmissions

Has anybody suffered that?

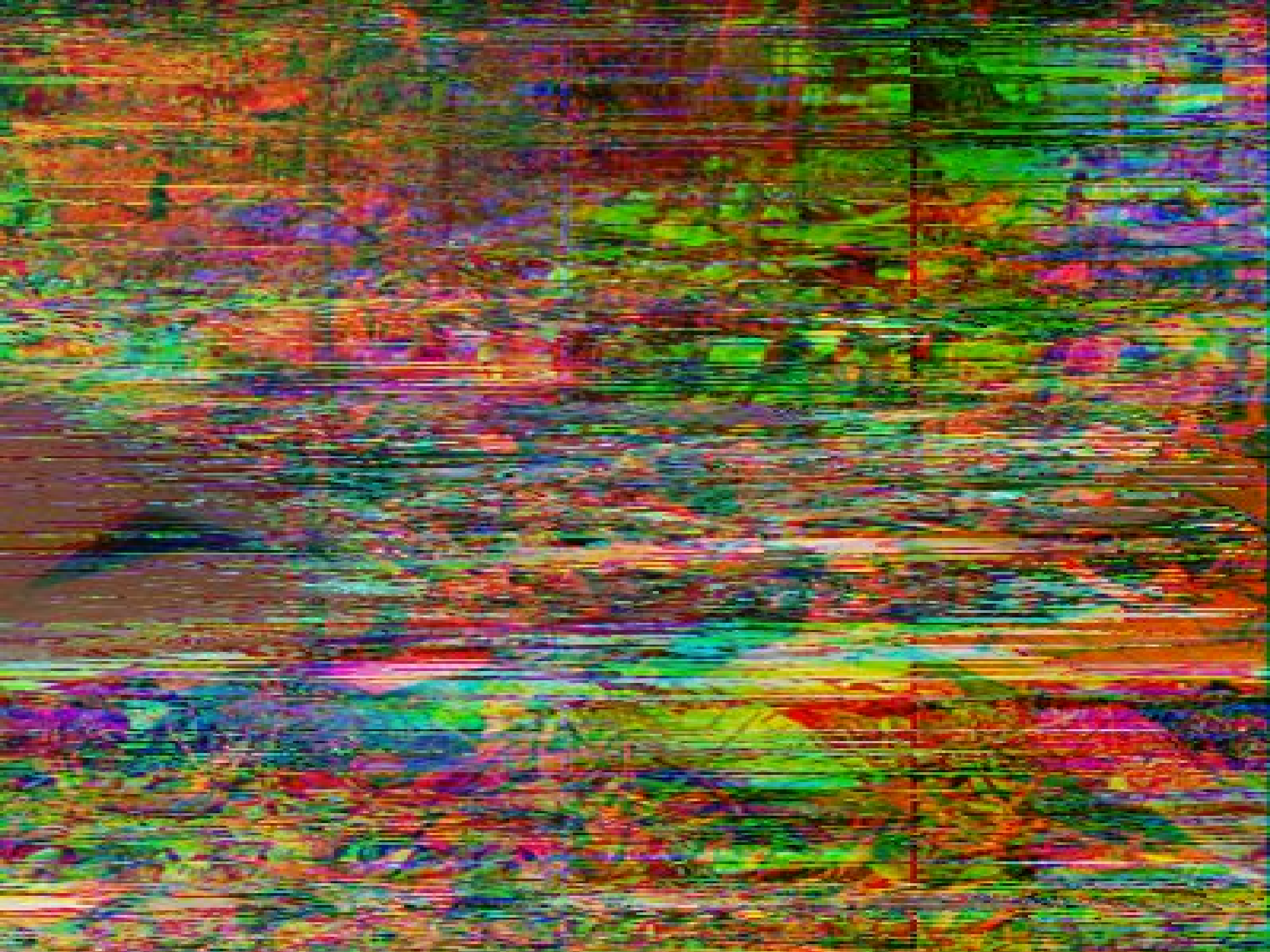
















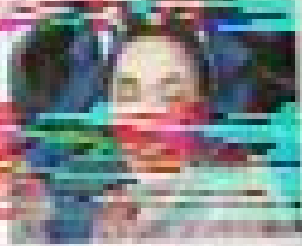


WELCOME TO PHI PHI ISLAND

TOURIST INFORMATION







Project 1: Introduction

The following text is a placeholder for the main content of the document. It is intentionally blurred to protect sensitive information. The text appears to be organized into several paragraphs and possibly a list or table, but the specific details are illegible due to the low resolution and blurring effect.



Secret transmissions

No, the responsible was not your “best”
multimedia player.

Neither your “pirated” win32codecs.

The problem is that only customers of the owner of that
format can watch, read, use, modify(?), publish (?)
that secret contents...

...and only while and in the way that the owner decides.

The code was NOT COMMON

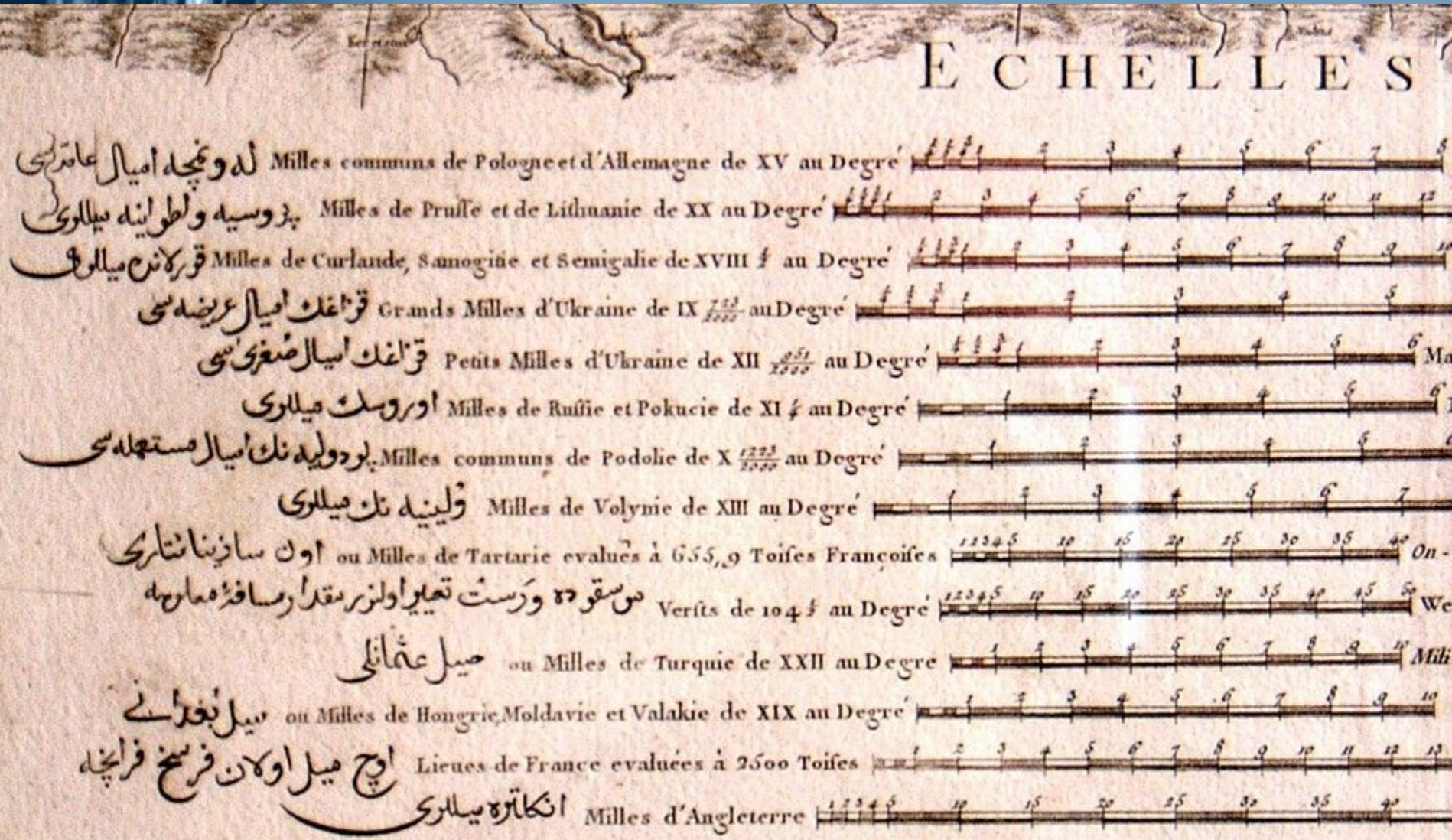
Secret transmissions

Imaging the world if...

- ...you can only drive your car across roads made by your car provider
- ...you only use your electric stuff if it is build by your electricity provider
- ...your house has to be designed and built by the workers of your bricks provider
- ...you can only trade with the customers of your same bank

**In the real world, the usual way are common codes
(that are “free” as freedom and beer)**

How many "common codes"?



A standard is...

...somehow:

an universal and common code

**in other words, a codification whose specification is
public and universal
(for symbolic price as costly)**

and generally imposed by political power

but it could happen that...

“you WILL see it but WON'T use it...”

“Censured” transmissions

Horror, patents !!!

“Censured” transmissions

Patents: hijacking of ideas

Privacy Enhanced Mail (PEM)

The Massachusetts Institute of Technology and the Board of Trustees of the Leland Stanford Junior University have **granted Public Key Partners (PKP) exclusive sub-licensing rights** to the following patents issued in the United States, and all of their corresponding foreign patents:

Cryptographic Apparatus and Method ("Diffie-Hellman").....	No. 4,200,770
Public Key Cryptographic Apparatus and Method ("Hellman-Merkle").....	No. 4,218,582
Cryptographic Communications System and Method ("RSA").....	No. 4,405,829
Exponential Cryptographic Apparatus and Method ("Hellman-Pohlig").....	No. 4,424,414

Public Key Partners has provided written assurance to the Internet Society that parties will be able to obtain, **under reasonable, nondiscriminatory terms**, the right to use the technology covered by these patents. This assurance is documented in RFC [1170](#) titled "Public Key Standards and Licenses". A copy of the written assurance dated April 20, 1990, may be obtained from the Internet Assigned Number Authority (IANA).

“Open” transmissions

No restrictions and no conditions to use

RFC - 3447

Public-Key Cryptography Standards (PKCS) #1: RSA Cryptography Specifications Version 2.1

Febrero 2003

Appendix D. Intellectual Property Considerations

The RSA public-key cryptosystem is described in U.S. Patent 4,405,829, which **expired on September 20, 2000**. RSA Security Inc. makes no other patent claims on the constructions described in this document, although specific underlying techniques may be covered. Multi-prime RSA is described in U.S. Patent 5,848,159. The University of California has indicated that it has a patent pending on the PSS signature scheme [5]. It has also provided a letter to the IEEE P1363 working group stating that if the PSS signature scheme is included in an IEEE standard, "the University of California will, when that standard is adopted, **FREELY** license any conforming implementation of PSS as a technique for achieving a digital signature with appendix"

“Open” transmissions

No restrictions and no conditions to use

W3C Patent policy

February 2004

The W3C Patent Policy governs the handling of patents in the process of producing Web standards. The goal of this policy is to assure that Recommendations produced under this policy **can be implemented on a Royalty-Free (RF) basis.**

Standards classifications

Regarding license:

Restricted standard: its owners can license them in the way they prefer and to who they decide

RAND standard: the conditions to license have been made public by its owners, but that conditions can exclude implementers with them or to make them as expensive and hard as they decide

Open standard: no restrictions and no conditions to anybody

Regarding law:

De facto “standard” = NOT A STANDARD (example: .doc)

International standard: defined by an international standardization organization and whose specification has been made public

De iure standard: standardized by ISO or IEC. Standards recognized by those official and international organizations of standardization and legally accepted by the member countries, represented by their official normalization organizations

Open standards

Open Standard by EU is the one which:

1. 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.).
2. The standard has been published and the with regard to the standard **specification** document is **available** and on the free movement of such data 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.
3. The intellectual property - i.e. patents possibly present - of (parts of) the standard is made **irrevocably available on a royalty-free basis.**
4. There are **no constraints** on the re-use of the standard.

Other definitions:

- The one who has a reference implementation under BSD license
- Definitions by: J. West \Leftarrow Bruce Perens \Leftarrow Ken Kerchmer
- Definition by BSA / CompTIA / ACT / Microsoft: **"open" = RAND**

Open Standards

Ken Kretchmer's definition:

The most complete: 10 rights

Adds 2 more rights to the Perens' definition

Rights	Related standard area		
	Standardization	Implementer	User
Open meeting	X		
Consensus	X		
Right process	X		
Worldwide	X	X	X
Royalty-free	X	X	X
Open docs.		X	X
Open changes		X	X
Open interfaces		X	X
Open use			X
Long support			X

Successful open standards

W3C (w3.org): HTML, XML, SOAP, URI/URL, XHTML, CSS, PNG...

IETF (ietf.org): HTTP, MIME

OASIS (oasis-open.org): OpenDocument

ISO/IEC (iso.org): PDF/a, OpenDocument

OMG (omg.org): UML, CORBA

JCP (jcp.org): Java, J2EE, J2SE, J2ME

ECMA (ecma.ch): JavaScript, CLI, C#

“Without open standards, Internet wouldn't exist”

To hijack an open standard

1. *Embrace*
2. *extend*
3. *hijack*

Closed upgrades or modifications

Appropriation of the standard by the dominant market player

Incomplete specifications

Advantage for the dominant market player, possible appropriation

Legal restrictions in future versions

Appropriation of an standard via IPR

Technical exclusions in future versions

Appropriation of the standard by the dominant market player



Open standards and “free market”

Chain effect and virtuoso circle:

1) Interoperability:

Open standard => allows applications to interact and to be replaced (open interfaces, modularity)

2) Minimum entry barrier

Interoperability => Anybody can implement the interface, interact with it and replace any application

3) Competition:

Low barrier => more players = more competition = low prices

4) Innovation:

More competition =>

biggest effort to stay in the market = more innovation

=> more open standards and upgrades to spread the advances.

Software Patents and “monopoly market”

Chain effect and vicious effect:

1) Interoperability (reduced):

Agreements pair to pair or RAND standards => they allow that only a subset of the applications can interact and be replaced (proprietary interfaces: “you have to be compatible with the dominant player”)

2) Maximum entry barrier:

Interoperability => Only if you can license and litigate you can play

3) Competition (reduced):

Higher barrier => Less players = less competition = bigger prices

4) Innovation (reduced):

Less competition => less effort to stay in the market = less innovation => more monopolies and less interoperability

2 Two business models for two SMEs

FREE MARKET

HIGH COMPUTING, Ltd.

Technological Park of Andalusia, Spain

Activity:

Implement a **disruptive technology** to make cheaper techniques of **high computing: consolidation, virtualization, light terminals, GRIDs, clustering...**

Values:

Technical knowledge

A good and big staff of expert ITers

Development of OpenMosix among others

Customers to care of:

Medium and big companies

Public administrations

<http://www.virtua.es>

MONOPOLIES MARKET

ROBERINGS, Ltd.

Luxembourg (or better... Bahamas?)

Activity:

To buy and register **software patents** (generic and stupid), extortion to every possible infringer and **litigate**. Corrupt public servants and politicians.

Values:

Software patents

Small staff of patent attorneys / lawyers

Developers data base

Customers to care of:

Public servants and politicians

Big player multinationals

<http://what-is-web.asp>

Who should decide which market?



Option A

- ✓ European Parliament
- ✓ National Parliaments

Option B

- × European Patent Office and other National Offices
- × Microsoft, SAP, BSA, CompTIA, ISC, ASC,... (lobbies)
- × Internal Market Commissioner Mr. McCreevy

ISO/IEC 26300

Comment to the “YES” vote of MSZT (Hungary) for ISO Ballot DIS 26300

To date, the industry has not served you well when it comes to the office application market. You do not have unconditional control and ownership of your own documents now and into the future. Open Document Format (ODF) addresses these issues by standardizing the file formats so that anyone can use them, anyone can implement them on any platform at any time, and no license or fee is required. This gives you complete control and ownership of your documents, forever. ODF creates an ecosystem, already supported by over 50 organizations, that allows more vendors, more innovations, more office suites, and more variations in office suites leading to more choice for users. ODF enables choice among an unlimited number of interoperable applications.

ref: <http://www1.y12.doe.gov/capabilities/sgml/SC34/document/0728.pdf>

ISO/IEC 26300

OpenDocument inside the Web architecture

OpenDocument and the public administration

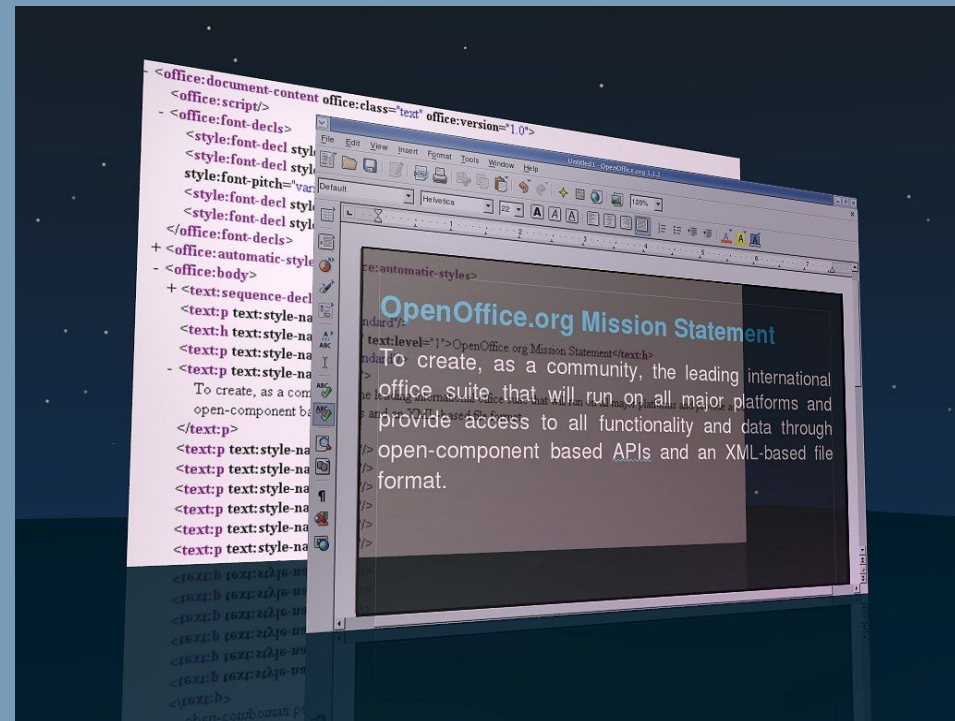
OpenDocument and the public purchases

Applications:

- ◆ *OpenOffice*
- ◆ *KOffice*
- ◆ *StarOffice*
- ◆ *Google Docs*
- ◆ *WorkPlace*

“Alternative” from MS

ECMA -> ISO?



<http://www.EstandaresAbiertos.org>

Working and Collaboration Group on Open Standards

E-mail distribution list

Reference portal for Ibero-America

Lobby (OpenDocument)

Manifest and signatures

Supporters

International coordination

Conferences and meetings

Laws and regulations

Partnerships

estandaresabiertos.org - Mozilla Firefox

Archivo Editar Ver Ir Marcadores Herramientas Ayuda

http://www.estandaresabiertos.org/

Getting Started Latest Headlines El País menéame Barrapunto navegante O P E N T I A Traducciones

La información... **Estandares Abiertos** ...debe fluir!

Wednesday, 10 de May de 2006

www.EstandaresAbiertos.org

Iniciativa promovida por: HISPA LINUX, Opendia, FajardoLópez, IGLUE, Iniciativa Focus

Inicio

Bienvenido al grupo de estándares...

"Los estándares abiertos deben permitir a todos los posibles competidores operar en base a un igual acceso a la habilidad de implementar el estándar (...)" Informe Comisión Europea, DG Soc. Información. (c) MERIT, Univ. Maastricht

OpenDocument ya es Estándar ISO

escrito por Alberto Barrionuevo
Wednesday, 03 de May de 2006

OpenDocument es ISO 26300

La medianoche del pasado lunes día 1 de mayo en Ginebra fue histórica, porque por primera vez para la Humanidad se aprobó como estándar de derecho un formato electrónico ofimático y documental que cuenta con implementaciones en productivo y que además es abierto y libre. Significativo es que ningún país votó en contra (por ejemplo, AENOR de España votó a favor). Esa unanimidad acelerará 6 meses su publicación definitiva pese a que aun quedan un par de retoques burocráticos para que la misma se oficialice probablemente en agosto. Pero lo importante es que ya está asegurado: **¡¡¡Habemus Estándar!!!** Todo eso se ha logrado con gran esfuerzo por parte de los asociados a la Alianza ODF, a la Sociedad OpenDocument y a OASIS, y muy a pesar de las presiones en contra ejercidas por un monopolio informático que a toda costa pretende imponer su formato alternativo, "no tan abierto" y aún en fase de desarrollo.

La nota de prensa de la ODF Alliance habla por sí misma, pero más interesante aún, por cuanto oficial y clarividente, es el histórico comentario de la delegación húngara aquí reproducimos traducido:

Comentario al voto "A FAVOR" de MSZT para la consulta ISO DIS 26300

Hasta la fecha, la industria no le ha prestado un buen servicio en lo referente al mercado de aplicaciones ofimáticas. Usted no tiene el control ni la propiedad actuales y futuros de sus propios documentos. El Formato Open Document (ODF) cubre este problema mediante la estandarización del formato de ficheros, con lo que cualquiera puede usarlos, cualquiera puede implementarlos en cualquier plataforma y en cualquier momento, y no se le exige licencia ni pago alguno. Esto le otorga el control y la propiedad total de sus documentos, para siempre.

Encuestas

Los estándares abiertos en la Administración Pública deberían ser:

- de exclusivo uso (lo que no haya, hay que crearlo nuevo)
- de obligado uso
- siempre que existan como alternativa
- prioritarios si son viables respecto a otras tecnologías.
- usados en igualdad de condiciones a otras tecnologías.
- de uso restringido si existen otras tecnologías.
- prohibidos terminantemente. No deben emplearse.

Votar Resultados

Nos visitan ahora

Hay 3 invitados en línea

Lo más popular

- Manifesto (beta)
- HISPA LINUX
- OpenDocument ya es Estándar ISO
- Microsoft
- Interoperabilidad
- Presentación Grupo de Estándares

Buscar: Terminado

Conclusions

The **open standards** are the only tool to warranty the complete **interoperability** and **competitiveness** in the IT market, and so, the maximum **innovation**.

Software patents produce in the market the **contrary effect** to the **open standards**.

The IT open standards must be **promoted, regulated, normalized and imposed by the public powers** in the same way that they imposed in almost all technology and society fields that sometime were state-of-the-art.

Thank you for your attention

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OSL/CA
Organización de
Software Libre
de España

Opentia

Fajardo-López
Abogados

Igles

Iniciativa Focus

...entre muchos otros.

Much more at...

La información...

Estándares Abiertos

...¡debe fluir!



EstandaresAbiertos.org