The Zen of Open

Observations of a New Bear

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The Keynoter's Dilemma

• In 7 years I've previewed many current ideas:
  > XML
  > Web services and SOA
  > Open Source

• Many concepts remain constant
• Many of you have heard them from me before
• Many of you have not
• SO WHAT TO DO?
Traveller's Tales

- 1994
  - Cash & Travellers Cheques
  - Airline tickets
  - Telephone kiosks & bureaux
  - Poste restante

- 2004
  - ATMs & global credit cards
  - Paperless air travel
  - GSM mobiles & calling cards
  - E-mail & internet cafes

... welcome to the Participation Age!
A New Age Means Change
If we were massively connected...

Security would no longer concern only boundaries
If we were massively connected...

Software would have nowhere & everywhere to run

SERVICE ORIENTATION
If we were massively connected...

Software pricing could not track ephemera

VALUE-BASED PRICING
If we were massively connected...

Markets would become conversations
(The Cluetrain Manifesto)

NARRATIVE ENGAGEMENT
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If we were massively connected...

Closed-room development would be insufficient
Open Source In A Nutshell

- A community of developers
- Sharing a code commons
- Creating “wealth” from the commons
- Enriching the commons in the process
- The “craft guilds” rediscovered...
- ... Connected Capitalism
Open Source Ecosystem

Source Commons

Deployment 1

Deployment 2

Deployment 3

Deployment 4

Artisan

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Virtuous Cycle Model of Open Source
Virtuous Cycle Model of Open Source

- Initial Contribution
- Source Code Commons
- Innovation $\Delta$
- Developer Community
- Software Works

- Use of source
- Controlled by License
- Open to all
- OSI Compatibility

- Contribution
- Controlled by Governance
- Affected by License
- Gated by committers
- Fuelled ... by self-interest!

- Derived work
- Controlled by business model
- Affected by license
- Affected by governance
DNA Triangle

- LICENSE
- MOTIVATION MODEL
- GOVERNANCE
Licensing For Maximum Freedom
License Scope

- Commons A
- Commons B
- Derived Work
License Classes

• Class A
  > “Unrestricted”
  > Create any work
  > No restrictions on licensing

  • BSD-style
    > ASL v2

• Class B
  > “File-based”
  > Files derived from commons must use license B
  > Files added may use any license

  • Mozilla-style
    > CDDL v1

• Class C
  > “Project-based”
  > All files in project must use license C if any file uses license C

  • FSF-style
    > GPL v2
The Most Freedom for The Most People

- Class A licenses promote freedom to innovate but do not protect the commons
- Class C licenses promote constant growth of the commons but limit the freedom of the developer to use their own innovation however they want
- Class B licenses balance both freedoms, protecting and enriching the commons but leaving innovators free to use their work in any commons

**The Most Freedom for The Most People**
Open Source Monetisation

• Two Golden Rules:

> **Collaborate**
  over what does not differentiate

> **Compete**
  by innovating on the commodity base
The Overlooked Corner

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

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

• GOVERNANCE
  > ... is the overlooked corner
  > Is bad governance the primary vector for disease?
The Hidden Menace
Software Patents Happen

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

• Until world trade is reformed, patents happen...
Building the Patent Commons

1) Patent grants
   > Research specific patents and grant to any FLOSS use

2) Compulsory licensing
   > Blanket grant of patents, restricted to licensed code

3) Non-Assert Covenants
   > Covenant not to assert rights against *bona fides* community

• We need all three, no one is sufficient defence
• We need mandatory application of 2 & 3
Summary Observations

- The next phase of F/L/OSS is upon us

- The Virtuous Cycle needs a health check
  - Reduce license proliferation by dealing with its causes
  - Leave room for the motivations of all contributors
  - Governance best practice needs an advocate

- F/L/OSS Alone is Not Enough For Freedom
  - Development ≠ Deployment
  - Standard Formats + Open Source = Freedom

- Software Patents Demand Multiple Defences
Unweaving the Software Bundle

Commercial Software Package

- Code
- Installability
- Documentation
- Defect Resolution
- Education
- Warranty
- Indemnity
- Support
Standards Mean Substitutability
Thank-you!

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