

# Interoperability, Open Standards, Free Software after Microsoft

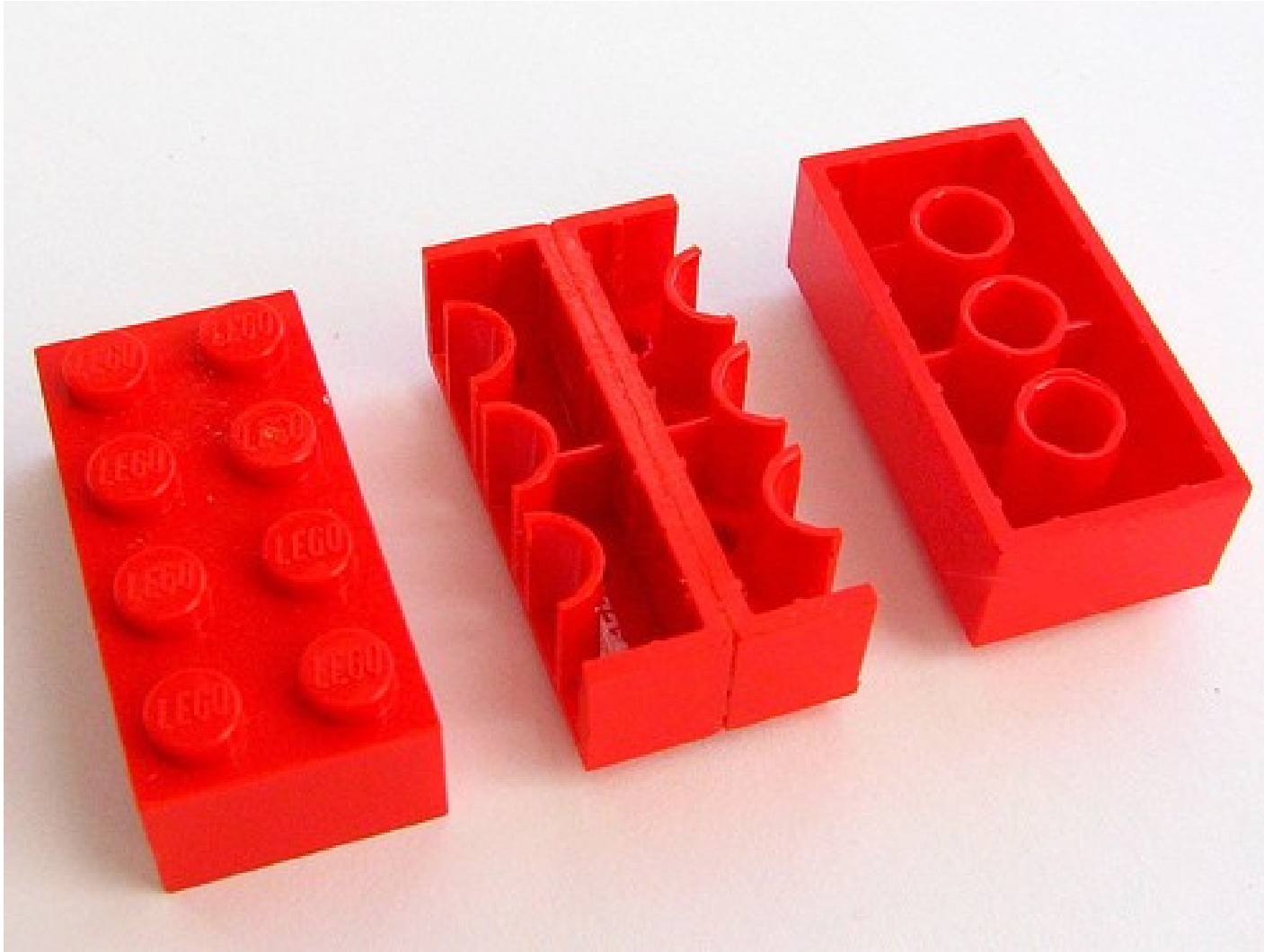
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**<http://piana.eu>**

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# Keywords

- Interoperability
- IPRs = PROIGS
- Competition
- Standards
- Free Software (AKA Open Source)

# Software is modular



# Interoperability



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# Misused



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**PROIGS**  
=  
**Proprietary Rights Over Intellectual  
Good Stuff**  
≈  
**IPR**

# Locks

- Technical
  - Bad interfaces
  - Secret
  - Lack of standards, undocumented extensions
- Economic
  - Migration costs
- Legal
  - PROIGS



# The Microsoft [2007] case

- Interoperability information
- Special cases – *de facto* standards
- Essential facility (?) Plug-in replaceability
- Complete and Timely
- PROIGS? RAND

# Microsoft [2007] for Free Software

- Samba
- Right to interoperate
- Protection from litigation

# Microsoft [2007], other uses?

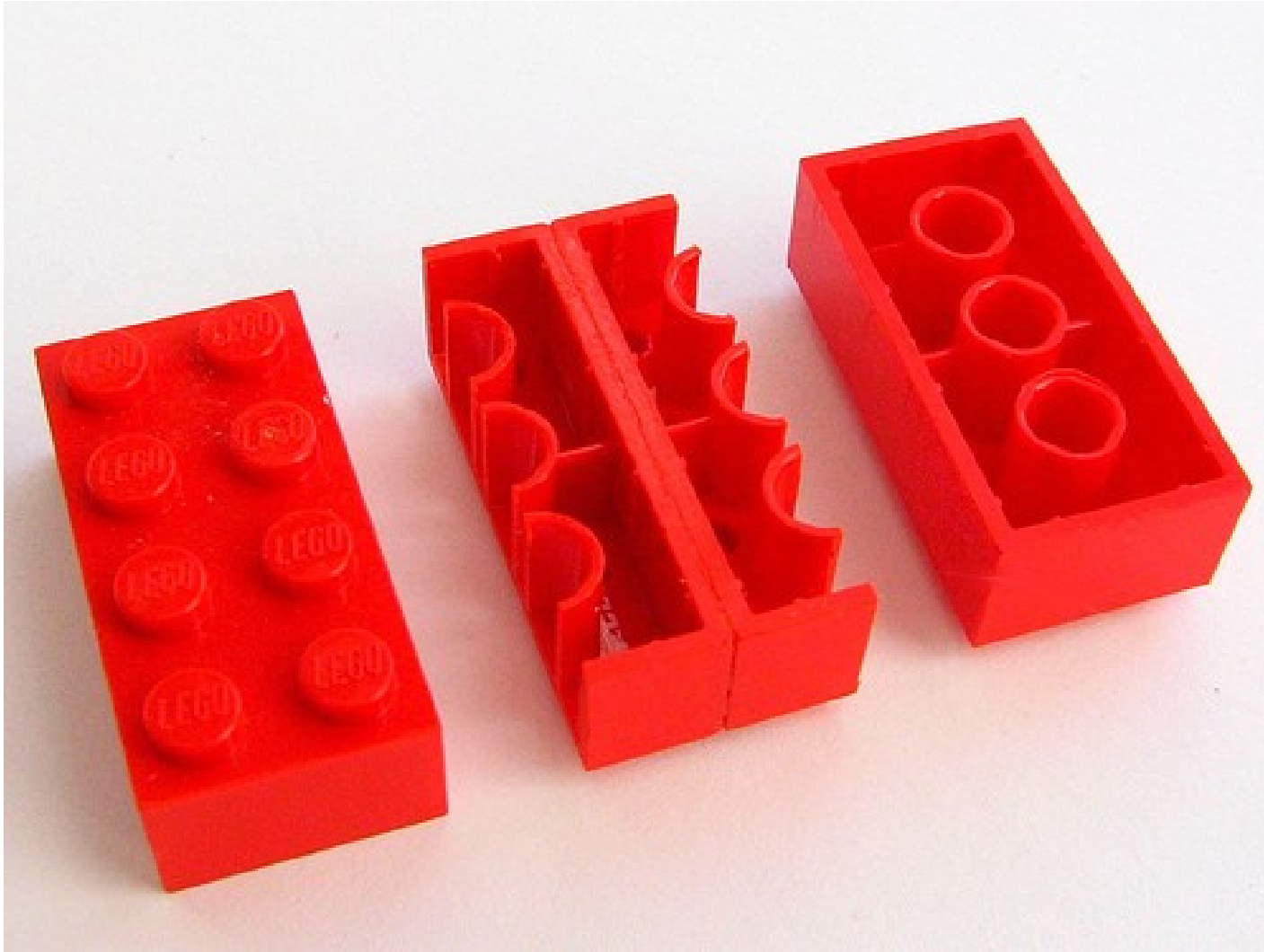
- Orange, inc. [software, hardware, services]
- iPond [very popular portable music player, and more, integrated with a software/service platform]
- iSounds [application and online service to store and buy music]
- Competitors want to compete in the same space, but interfaces are changed, undisclosed
- if... then...

# What should a company do?

- If it's not dominant? Just play nice...
  - But even not "traditionally" dominant company could abuse a dominant position
- If it's dominant?
  - Refrain from extending the standards unreasonably
  - If extended, the extension shall be documented
  - The documentation and the extensions, be PROIGS-free

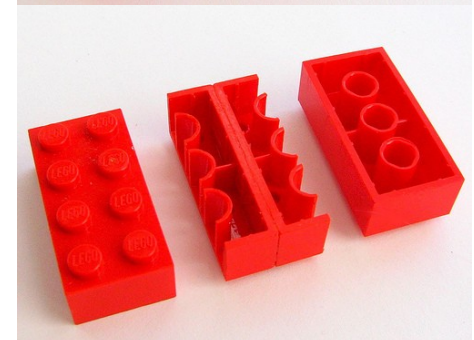
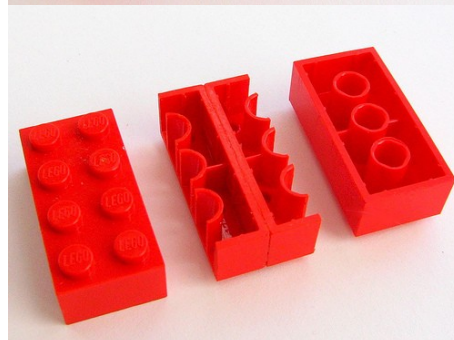
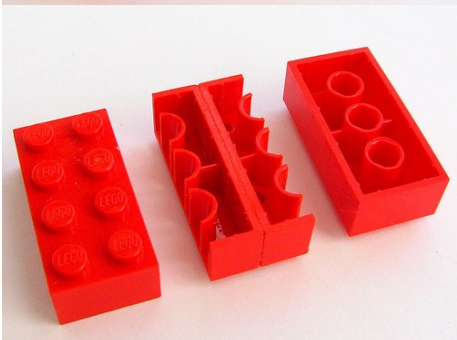
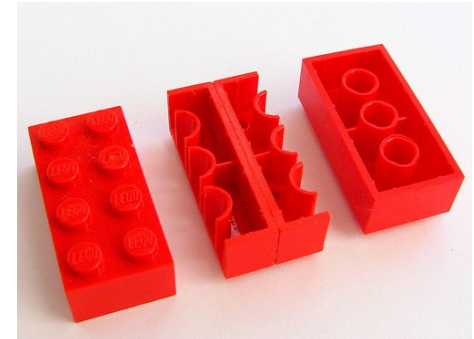
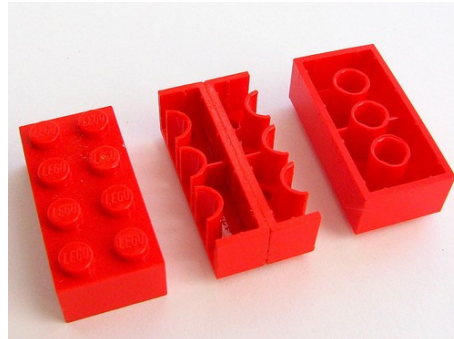
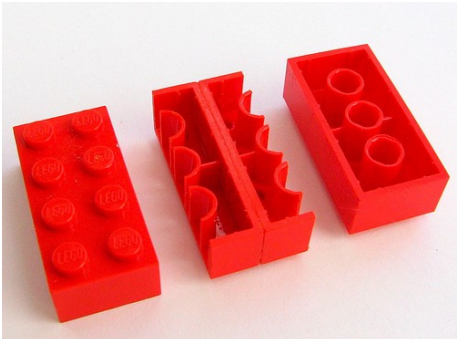
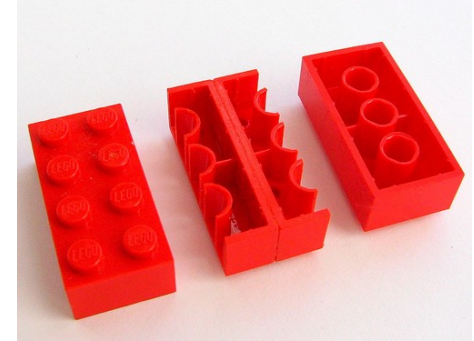
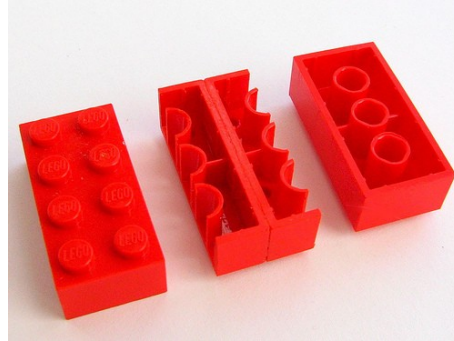
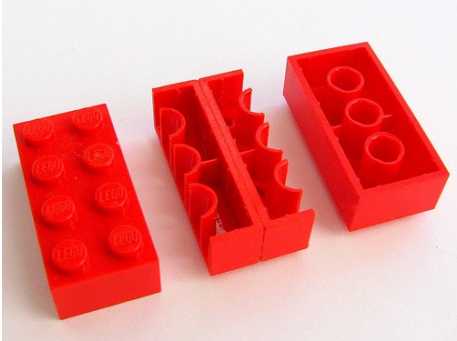
# Free Software

# Software is modular





# Free Software is *more* modular



# The role for antitrust



# The role for antitrust

- Keep monitoring and act, where major problem arise
- Keep a close eye on standards
  - Abuses of standards
  - Uses of standards to alter competition
  - Private, undocumented extensions of standards
- Never mandate standards, but never let the standards be abused

# Standards

Reaching the *highest* common denominator

# Standards, abuses and PROIGS

- Patents undisclosed, inducing adoption of technology with SSBs unaware of them (Rambus?)
- Excessive royalty charges, non Reasonable (Qualcomm?)
- Multiple standards for the same domain of application (ODF and OOXML)
- Submarine patents, patent ambushes, patent hold-ups (Alcatel)
- What's more?

# The death of standards, as we know them - I

- Too many standards
- Too many standards in the same domain (often disregarded by other standards)
- Too many standards not used (ditto)
- Mono-vendor standards (?!?)
- Standard hijacking



# The death of standards, as we know them – II

- Lacking a solid PROIGS policy, patents will make standards constantly fail, or create a lot of problems
- A solid PROIGS policy will almost never arise from the SSBs
- We will see more patent abuses
- And "traditional" standards are Free Software antagonist, in terms of PROIGS (W3G, OASIS are among the few exceptions)

**Standards are not enough**  
**We need:**  
**Open Standards**

# Open standards are

- Neutral
- "Democratic"
- Patent-free – Zero Royalty RANDs
  - **Especially** in software (*usque tandem software patents?*)
- A new legislation, favoring standards, in the form of *open* standards, must be enacted
- Free Software, Free Software, more Free Software

# Take home points

- Interoperability is not *an* option, is the only option
- PROIGS must get out of the way
- Legislation should favour open standards and at least be neutral to Free Software
- Antitrust must be used more, to be used less, and must keep a vigilant eye on standards and abuses

**THANK YOU**

**Open to discussion**