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American lobbyists against open standards faced opposition Free Software Foundation

Software

PDA version

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Fighting that erupted around preparing for the adoption of a European set of regulations for compatibility (European Interoperability Framework, EIF, reached maximum intensity in connection with the forthcoming from day to day statement EIF. From the ability of the Commission to uphold the requirement for mandatory compliance with open standards in the development of state systems will largely depend on the fate of free software in Europe

October 7th Association Business Software Alliance (BSA), which includes the well-known software vendors such as Adobe, Apple, Dell, IBM, Intel, Kaspersky Lab, McAfee, Microsoft, SAP, and others sent to the Commission a formal letter with the requirement to amend the section 5.2.1 of the European project arch compatibility requirements and exclude therefrom the regulation requiring the use of technology, free of encumbrances related to intellectual property (ie, patents and royalties).

According to the writer Robert Holliman (Robert W. Holleyman), the proposed wording "can be read as if the participation of the most innovative European and foreign companies in the standardization process will not be welcome if they hold patents on the technology and seek appropriate compensation for their inventions, if these patents are part of the standard. " Alternatively, the writer suggests the Commission adopt the criterion of fair, reasonable and non-discriminatory (fair, reasonable and non-discriminatory, FRAND) conditions that imply the possibility of inclusion in the list of acceptable standards, including, and technologies that are burdened with patents or the requirements of dismissal royalty. As examples of specifications, burdened by patents, but distributed on "reasonable and non-discriminatory" conditions, BSA leads such well-known technologies such as WiFi, GSM and MPEG.

It should be remembered that, as in Russia, software patents in Europe have no legal significance, and relatively recent attempt to lobby for a directive on software patents by the European Parliament ended in failure. However, the discussion of whether or not the patent encumbrances in the standards for software for the European public sector, no matter how divorced from reality it may seem, can directly influence the distribution of free software. We must not forget that the free software development is carried out in the framework of international projects, and American developers will not show a significant interest in the

project, the results of which can not be used in the U.S. due to legal restrictions. A lack of access to U.S. customers - an irreparable loss for the majority of free software projects.

In this connection, attention is drawn to the fact that most participants BSA - it was American, not European, companies.

BSA - is not the only organization that speaks out against open standards. A similar opinion was expressed by Lawrence Kogan (Lawrence Kogan) prezidenta Institute for Trade, Standards and Sustainable Development (Institute for Trade, Standards and Sustainable Development, ITSSD) during a meeting of the *Standing Committee on the Law of Patents*, acting within the framework of the *World Intellectual Property Organization*, held on October 12. According to Lawrence Kogan, codes for compatibility requirements for government systems or providing contradictions open technologies (Open Source) creates legal and economic uncertainty, which "is simply unfair and unnecessary." Interestingly, in one of the positive reviews posted on the site ITSSD, the organization is described as "extremely positive for the traditional American imperial ideology."

In response to statements by U.S. organizations, Free Software Foundation Europe (Free Software Foundation Europe) and the European Commission sent a letter, as well as a detailed document published document where objections are offered for each of the arguments made in the letter of BSA. According to representatives of the Fund, open standards do not interfere, but instead promote competition. Rejection of royalty not reduce, but rather expand market access for government contracts as wide a range of suppliers. The Foundation also believes that these examples BSA technologies are not adequate, since they are all connected with the market hardware and not software.

Finally, the Free Software Foundation Europe clearly indicates that FRAND conditions directly contradict the most popular free licenses. Thus, agreeing to allow encumbered technology patents, the European Commission at the same time eliminate the possibility of the development of state systems based on free software.

Before the publication of the final version of the EIF have to wait, apparently, a very short time. Hardly arguments American lobbyists to materially alter the position of the European Commission, which for several years was one of the most consistent advocates of open standards, but the actual activity of lobbyists shows how seriously the proprietary software vendors perceive the threat posed by technology-neutral supplier.

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