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ABOUT THIS ISSUE:

Whose Standards Is This ?

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In the last issue of *Standards Today*, I tackled the always contentious question of what we really mean when we call a specification an “open standard.” In this issue, I take on an even thornier inquiry: are there greater advantages to be gained from complying with a standard that is “open” than with one that is not?

The value of open standards in comparison to ones that are proprietary, or the product of a process that is not open to all, has never been more relevant. In particular, because policy debates are being held in Europe and elsewhere relating to whether openness should be mandated in government procurement of standards-compliant products and services. These debates are complicated by the equally vexing question of how “open” should be defined, and how “open” is open enough. Absent precision in the definition of openness, vendors can’t know which standards to preferentially adopt, and disagreements can arise over whether procurement directives have in fact been met.

So it is that this issue will focus on whether requiring compliance with open standards can convey advantages, and also what types of advantages – direct and indirect, economic and otherwise – these might be.

In my *Editorial*, I argue that in the public sector, the positive downstream economic (and other) impacts of requiring compliance with only open standards will often far outweigh the immediate impact that altering standards-related rules might have on the costs of goods and services procured by governments.

In a change from my usual practice, the *Feature Article* for this month was contributed by two guest authors who believe that the Dutch government has incorrectly evaluated the value of open standards in government procurement. I’m particularly pleased to be able to expose this paper to a wider audience (it was previously delivered at two conferences), because thoroughly researched and persuasively argued analyses of the economic dimensions of openness work are rare.

In a new occasional feature I call *Case Watch*, you’ll find a report on another definition that seems to defy consensus. Unhappily, it applies to one of the most fundamental concepts relating to standards. The defined term is FRAND, which stands for “fair, reasonable and non-discriminating,” and is used in reference to licensing a patent claim that would be unavoidably infringed by implementing a standard. Recently it took a U.S. federal judge 207 pages to provide the answer. I argue that there has to be (and in fact is) a better way.

In my *Standards Blog* selection for this month, I turn to another aspect of the same problem: the parlous state of patents in the United States today. For years now, many in the tech sector (and most especially those in the software field) have bemoaned this sad state of affairs, contending that patents are too easy to get, that bad ones are too difficult and expensive to break, and that more and more companies are getting into the game of buying up patents simply to assert them. Earlier this year, no less a personage than President Obama entered the debate on the side of those who are critical of such "non-practicing entities" (also known as NPEs, or, less charitably, as "trolls").

As always, I close with a more free-form and (I hope) provocative *Consider This* essay. The topic is one that I've addressed before – cyber security – but from a perspective that I can almost guarantee you have never seen it addressed before. If the story I spin scares the bejeebers out of you, that would be a good thing. Why? Because everything you'll read could happen very soon, and no one is doing anything to stop it from happening.

As always, I hope you enjoy this issue. But either way, it's always great to hear what you think. Let me know, why don't you? My email address is andrew.updegrove@gesmer.com

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Editor and Publisher
2005 ANSI President's
Award for Journalism

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