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Attorneys at Law

EDITOR'S NOTE

Rather incredibly - to me –the **Consortium Standards Bulletin** begins its fourth full year of publication with this issue.

Much has changed in the intervening time. But it's also surprising how much has not, as you can see from the editorial in the December 2002 Inaugural Issue, which was titled "IPR Policies: a Call to (Lay Down) Arms." That editorial refers to private litigation involving alleged abuses of the JEDEC standards process by memory technology company Rambus, and an investigation into the same course of conduct that was then about to be launched against the same company by the Federal Trade Commission.



While Rambus settled one suit against Infineon last year, its legal action against a number of other companies continue to grind on, as does the FTC proceeding. And the terms of IPR policies continue to be the source of as much, or more, contention than ever. Were we to run our first editorial today with only factual updating, it would still (regrettably) make as much sense now as it did then.

But times have changed while the **CSB** has been bringing you the news, and in some cases, for the better. In that same editorial I called for the following:

What's needed is for the industry to have a "constitutional convention" to set a standard policy - a policy which will have alternative terms for a limited number of

situations where alternatives are truly needed, but also a well-articulated rationale for each alternative, stating where and why that alternative is appropriate. It's time for the industry to compromise once, and agree many times thereafter. Once this is accomplished, the industry can get back to the far more important business of standard setting, rather than arguing about how to do it.

Indeed, an ABA subcommittee has now been toiling for more than a year to create just such a document. In another favorable development, a number of companies are advocating for more stringent standard setting disclosure rules – and even for early discussion of licensing terms, which the U.S. Department of Justice has signaled it would find to be pro-competitive under the antitrust laws, if properly managed. The reason? Even IT companies with the largest patent portfolios have come to realize that good standards can be worth more to them than the licensing revenue of their own patents.

So as we look forward to 2006, there are reasons for encouragement as well as frustration. But in this issue, we look backward, and present what I think were the most significant events, issues organizations (and more) from the year just ended.

This issue's **Editorial** expands on this evaluation, concluding that while 2005 was a difficult year marred by a lack of cooperation in all too many venues, ultimately the successes outnumbered the failures, regardless of the amount of stomach lining consumed in the process.

Recognizing the futility of summarizing all of the important stories, or even trends, of 2005, this month's **Feature Article** focuses instead on what I believe to have been most newsworthy in the year just ended.

This issue also includes my annual **News Sources Awards**, this time in several additional categories as well. I've appreciated the good work of the hundreds of standards organizations, open source projects, news services, individual journalists, community sites and bloggers that together have helped to get out and analyze the news. Accordingly, the awards are my way of providing some small measure of recognition to those that I thought did the best job of raising the profile of standards, and explaining to their readers why standards matter.

Next, you will see **Our Year in Review**, being a brief overview of some of the things that have been happening this year here at ConsortiumInfo.org, followed by this month's selection from the **Standards Blog** (relating to our Standards Story of the Year). The issue closes with a less serious entry from **Consider This...**

All in all, it's been an extremely active year in the world of standards, and therefore an equally busy year at ConsortiumInfo.org. In light of the expanded activities at the site, I've decided to set the **CSB** calendar for 2006 at ten issues instead of twelve, omitting the August and December issues. This will provide time at this end to catch up on other site projects, not to mention extra time with my family, separate from my ever-present wireless-enabled laptop.

So as you read this issue looking backward, I hope that you are looking forward to the New Year, and to what lies ahead. Whatever that may be, I'll personally look forward to doing my best to investigate it, think about it, and report on it to you here at the **CSB**.

As always, I hope you enjoy this issue.

Best Regards,

Andrew Updegrove
Editor and Publisher
2005 ANSI President's
Award for Journalism