



Attorneys at Law

Consortium Standards Bulletin

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PRESENTING THE NEW:

STANDARDS BLOG

Earlier this month, we launched a new Blog in the now classic, frequently updated style in order to present and analyze the standards news of the day. You can find this new section of ConsortiumInfo.org at the [Standards Blog](#). Each month, we will provide one or more of the most recent entries from the Standards Blog in the CSB.

Context : The proper meaning of “open standards” has been a topic of increasingly heated debate this year (see: [“What Does “Open: Mean?”](#)), and nowhere has that debate been more heated (naturally) than in the Blogosphere. The following entry is one of a series that appeared in the Standards Blog and David Berlind’s Blog at **ZDNet** over a period of about a week’s time. That series addressed the question of whether the need for speed and the ends justify the open source community’s desire to dictate the terms of what “open standards” should mean, not only for themselves, but for the standards development community as well. The point of departure was the objection by the Apache Foundation to a certain licensing term required by Microsoft and IBM, which own patents that would be infringed by implementing WS-Security, a feature that Apache would like to include in its open source software.

July 13, 2005

Blog Pong/Legacy Issues

David Berlind over at [ZDNet Blogs](#) has picked up on my [Apache/WS-Security post](#) of a few days ago and quoted me extensively on why I think that Microsoft will play ball with Apache. David also reiterates his contention that, where a consortium has more than one track (e.g., RAND as well as royalty free), it’s misleading for people to be able to say, “We’re an X standard,” possibly giving the impression that they are royalty free when in fact they took the RAND option. David goes on to suggest a color-coded rating system that would offer a rainbow ranking of “openness.”

Two reactions: First, the idea of having greater clarity in what a given imprimatur means is a good one, particularly since the details can vary so widely. In fact, you could take it even farther than David has, because the commitments that a participant in standard setting is required to make can have a lot of trapdoors (e.g., “we pledge to license all patents that our representative knows about,” which is pretty thin gruel in the guarantee department when a big company is the member). One could imagine a “truth in standards” checklist where the organization would be encouraged to indicate which terms it did and did not include in its IPR policy.

My second reaction, though, is that anyone who has knocked around in the standards area at all knows that policies are different enough that if it’s important enough to care, you’d better go look at the policy. So whether a given standard setting organization had one IPR option or three, you’d still better find out what the rules are before you take your product to the market.

My [response](#) at the ZDNet site addresses the question from a different perspective, providing some historical context for why I think it will take the market a while to get to where David is anxious to see it go. I’ll skip the long stage-setting, but here are the conclusions I ended with:

First, and most importantly, it just takes time to teach old dogs new tricks. To some people, the kind of licensing terms open source wants seem like lunacy, because they are so different from what the old

dogs grew up with. So a lot of the urgency in your comments may be understandable from the "we need this now!" perspective, but it isn't really too realistic when many people just can't see it yet.

So second, there's an educational question. People have to understand it and get comfortable with it before they can support it.

Third, there's that convergence thing. Your idea about labeling "how open" a standard is may seem obvious, but bear in mind that until recently standards people lived in stovepipes. People who needed to know which organizations put out standards of multiple flavors did know, and they didn't need labels.

Which takes me to my fourth and final point: The reason that people are talking about standards today is because the damn things actually work now. When I started working with consortia 18 years ago, standards were something that lots of people talked about, and nobody really believed in. Today, with the Internet and the Web, standards are things that *have* to work in order for us to do anything at all. So people have no choice but to believe in them and make them work. They even get advertised to boost the appeal of consumer products now (like WiFi and Bluetooth enabled devices).

So today, standards are more strategic than ever, and more important than ever. So guess what? People are going to start hyping and exaggerating them just like they do about every technical aspect of a product. One might say it's an indication that standards have finally "made it."

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