

EDITOR'S NOTE

HUMAN NATURE AND STANDARD SETTING

There are two themes to this issue of the CSB. The overt one is the early ("ex ante") disclosure of licensing terms, a new concept that many would like to incorporate into the standard setting processes of standard setting organizations (SSOs), and that others object to on commercial grounds or out of concern over potential legal risks.

The more subtle theme acknowledges the fact that when something new and unknown is being considered, those with opinions split into two camps: one comprising those that focus on the potential benefits, and another that fixate on all conceivable risks. The result is that achieving consensus can at times become unusually challenging, since each side is looking at the same prospect (as it were) through the opposite end of the telescope.

I introduce both of these themes in this month's **Editorial**, which focuses on the invitation by the Chairman of the Federal Trade Commission to SSOs to embrace – with care – *ex ante* disclosure rather than to dismiss it out of hand. This invitation appeals to the innovators, who see the benefits that can be gained from greater certainty of outcome in standard setting, and are willing to accept some degree of risk in order to secure this reward. But the same process that appeals to the innovators is threatening to those that react to the unknown by retreating to the security of established boundaries, accepting less satisfactory, but ostensibly safer outcomes.

The **Feature Article** for June provides an in-depth examination of what *ex ante* disclosure is all about, what the range of possibilities of implementation are, and how such practices fit within the existing menu of mechanisms that are available to achieve the same goals. By taking this approach, I hope to make *ex ante* disclosure seem less threatening and monolithic, as well as to suggest when it, or another alternative, could be most useful for a given SSO.

The **Standards Blog** selection this month provides an example of how deficient traditional RAND ("reasonable and non-discriminatory") licensing commitments can be, using the breakdown of licensing negotiations between Adobe and Microsoft, as a current example. When negotiations were abandoned, Microsoft was left without the right to include a "save to PDF" function in its upcoming Office 12 release of its popular Office suite, despite the fact that Adobe has made elements of the PDF specification available to ISO/IEC under a RAND licensing obligation. In this context, the appeal of *ex ante* licensing, in contrast to the vagueness of difficult to enforce RAND obligations, becomes clearer.

My **Consider This...** essay this month returns to the theme of human nature, and focuses on how our behavior has evolved over the millennia to engender two very different political

philosophies (conservative and liberal), examines why this makes sense under evolutionary theory, and suggests that this process provides an excellent example of what could reasonably be considered to be the first open source project in human history.

As usual, the issue ends with ***The Rest of the News***, being a selection of what I thought were the most interesting and important stories of the last month.

Finally, and as always, I hope you enjoy this issue.

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

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