

OpenForum Europe

IPR and Interoperability

ODF & OOXML

Interoperability A Public Policy Issue

Openness – key to successful globalisation

Open Source Software and Interoperability

- OSS support from
 - Way it is developed
 - How it encourages sharing
 - How it can be openly verified
- OSS challenges the status quo
 - It demands standards based on royalty-free terms
 - RAND is no longer acceptable for interoperability

“....adoption of open standards in public administrations.....as key enablers to effective and efficient government”

Ministerial Declaration
Manchester, UK November 2005

Defining an Open Standard

- “The standard is adopted and will be maintained by a not-for-profit organization, and its ongoing development occurs on the basis of an open decision-making procedure available to all parties (consensus or majority decision etc)”
- “The standard has been published and the standard specification document is available either freely or at a nominal charge. It must be permissible to all to copy, distribute and use it for no fee or at a nominal fee”
- “The intellectual property – ie patents possibly present – of (parts) of the standard is made irrevocably available on a royalty-free basis”
- “There are no constraints on the re-use of that standard”

European Interoperability Framework – IDABC EC

Reality – The Mixed Software Economy

- Proprietary and OSS are both viable
- Choice and competition
- Co-existence
- Open standards fundamental
 - Clear, unequivocal
 - Definition vital
 - Either Open or Closed

Public Policy Issues

Article 52 should be extended to exclude the right to extend patent monopolies which restrict or hinder open interoperability

Enforcement of prior disclosure of patents likely to affect standards in formation.

Encouragement of non-assert statements by existing patent holders

ODF & OXML

ODF and *Microsoft Office Open XML* are mutually exclusive deployment options.

ODF a universal and portable document format implementable anywhere;

Microsoft Office Open XML lacks portability across systems;

An Open Software standard is *transparent*; agreed by open, public consensus; written down, easy to understand documentation. can be placed in any end-product

ECMA TC45 a modified consensus of a limited group of invitees, governed by Microsoft executives with participants contributing advice which may be accepted or rejected by Microsoft, the entity controlling the design of the applications on which the *Microsoft Office Open XML* formats depend.

OXML is protected by raft of patents. Microsoft non-assert patent declaration is incomplete.

Calibrate Openness

OFE is launching Certified Open tm

enables transparent calibration
of the openness of products and services
by suppliers and users