

Patents and Standards: Considerations of Free Software

Issues and Remedies

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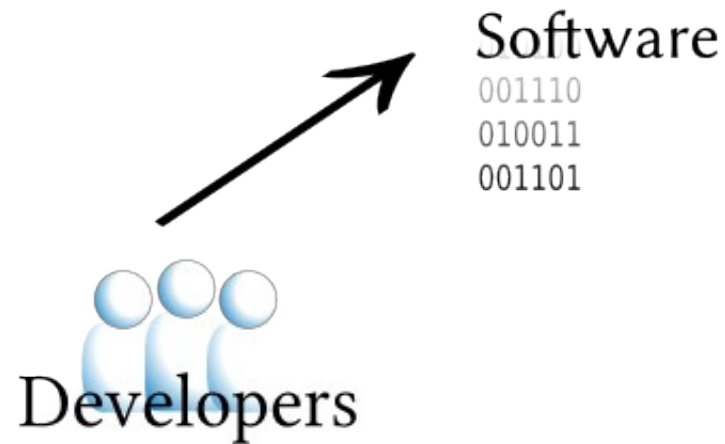
FSFE in brief

- European NGO, est. 2001. Principles: Independence, stability, reliability, transparency
- Promoting the interests of Free Software users and developers and the public
- Contributing to policy making at all levels: Active at WIPO since 2005
- Key issues: Open Standards, interoperability, developing industry governance

Free Software in brief

- Definition: Freedom to use, study, **share**, modify
 - (also known as “open source”)
- Gartner: 100% of businesses using at least some Free Software by end of 2009
- Market size: 49 billion US\$ spending on GNU/Linux platform in 2011 (IDC)
- Free Software as a major business enabler

Proprietary software

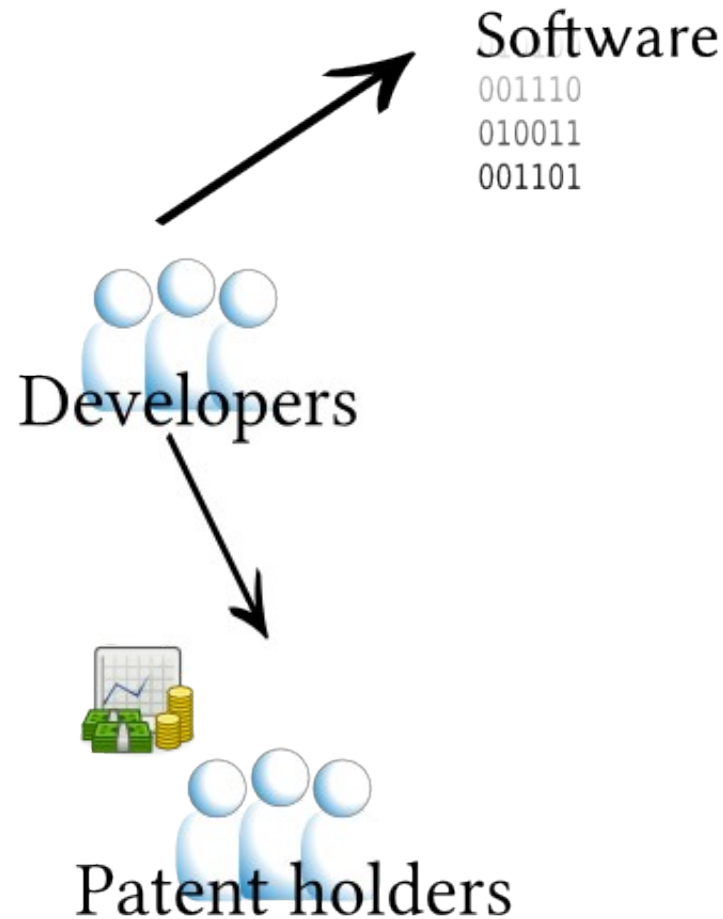


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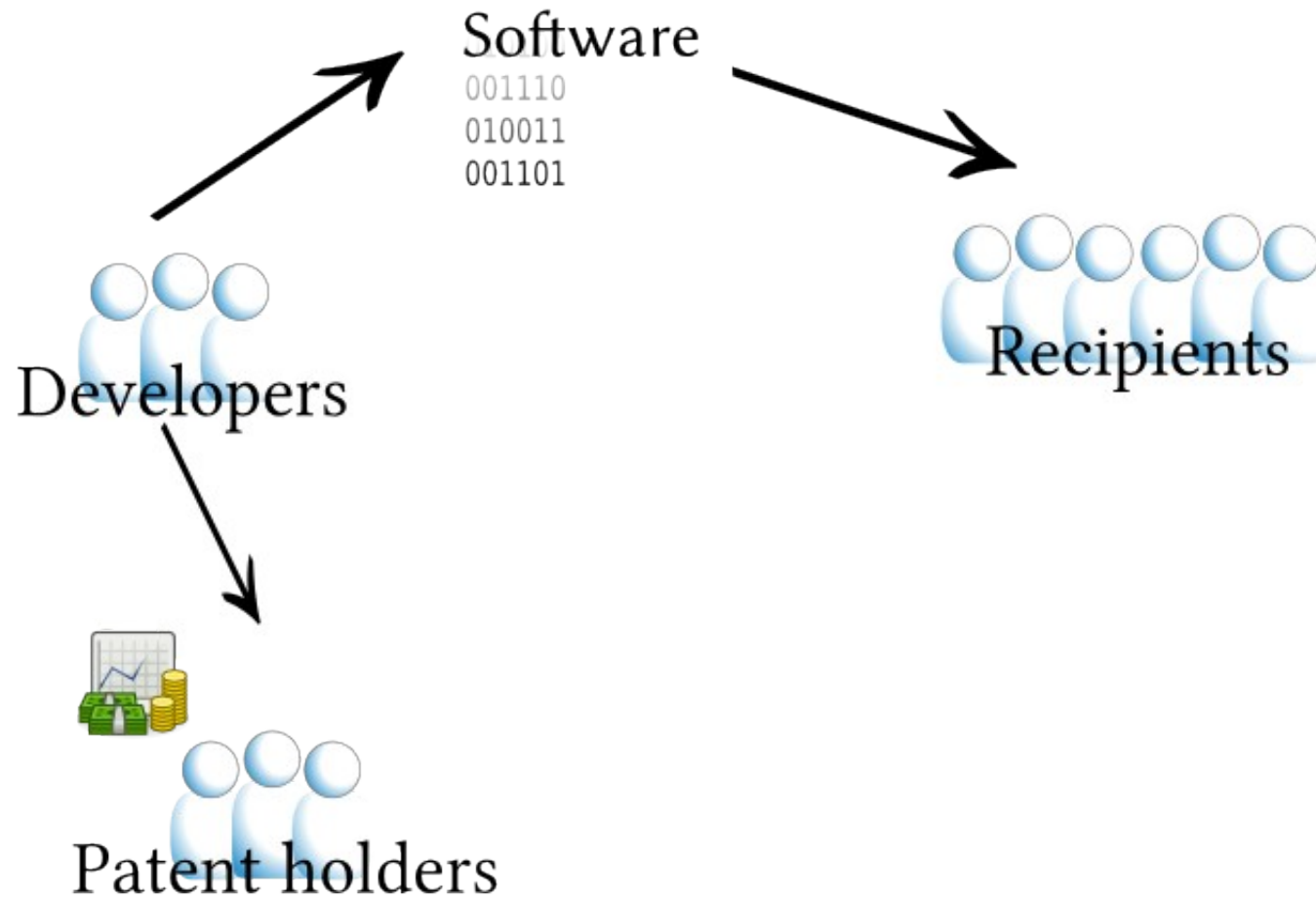


Proprietary software



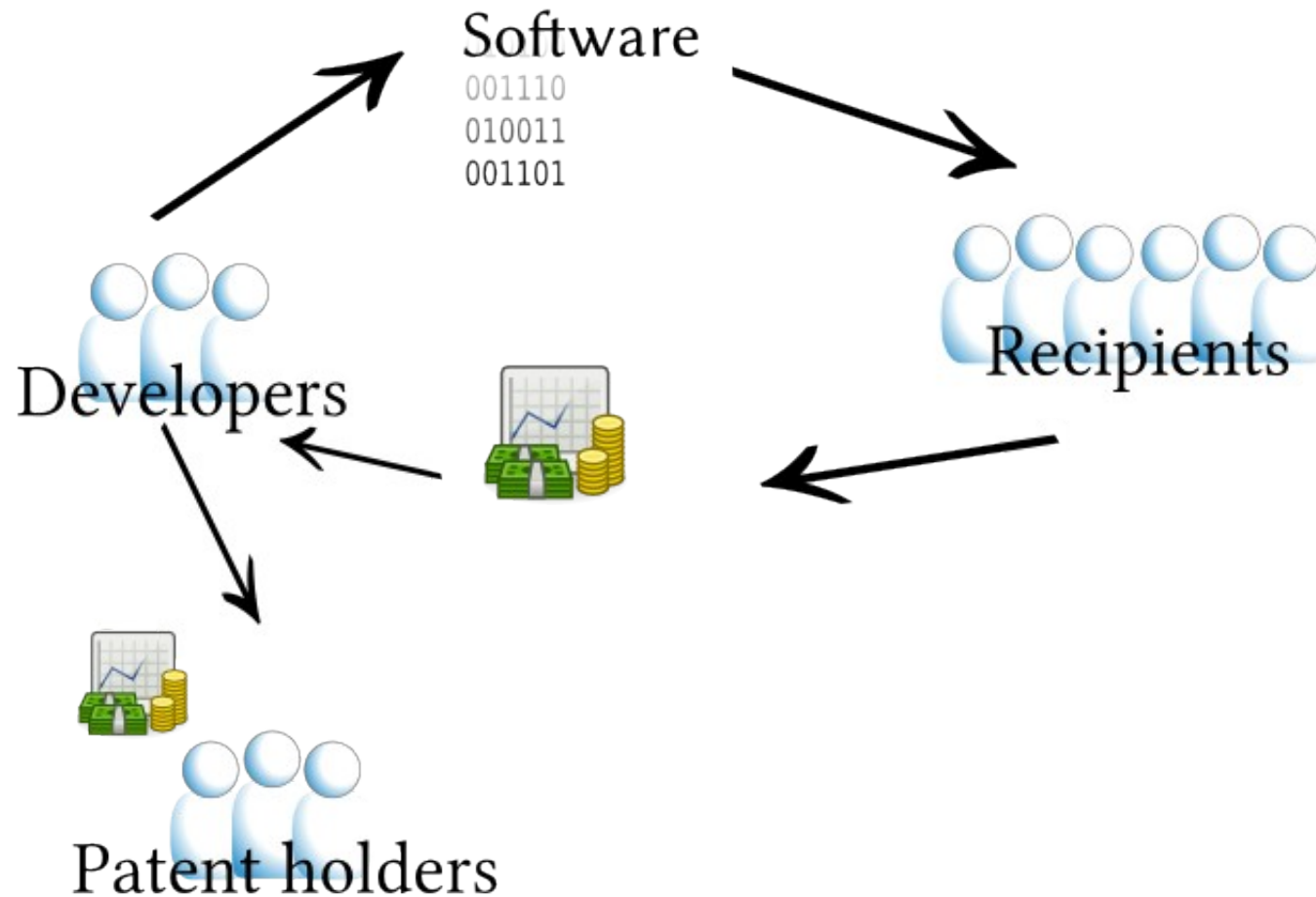
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Proprietary software



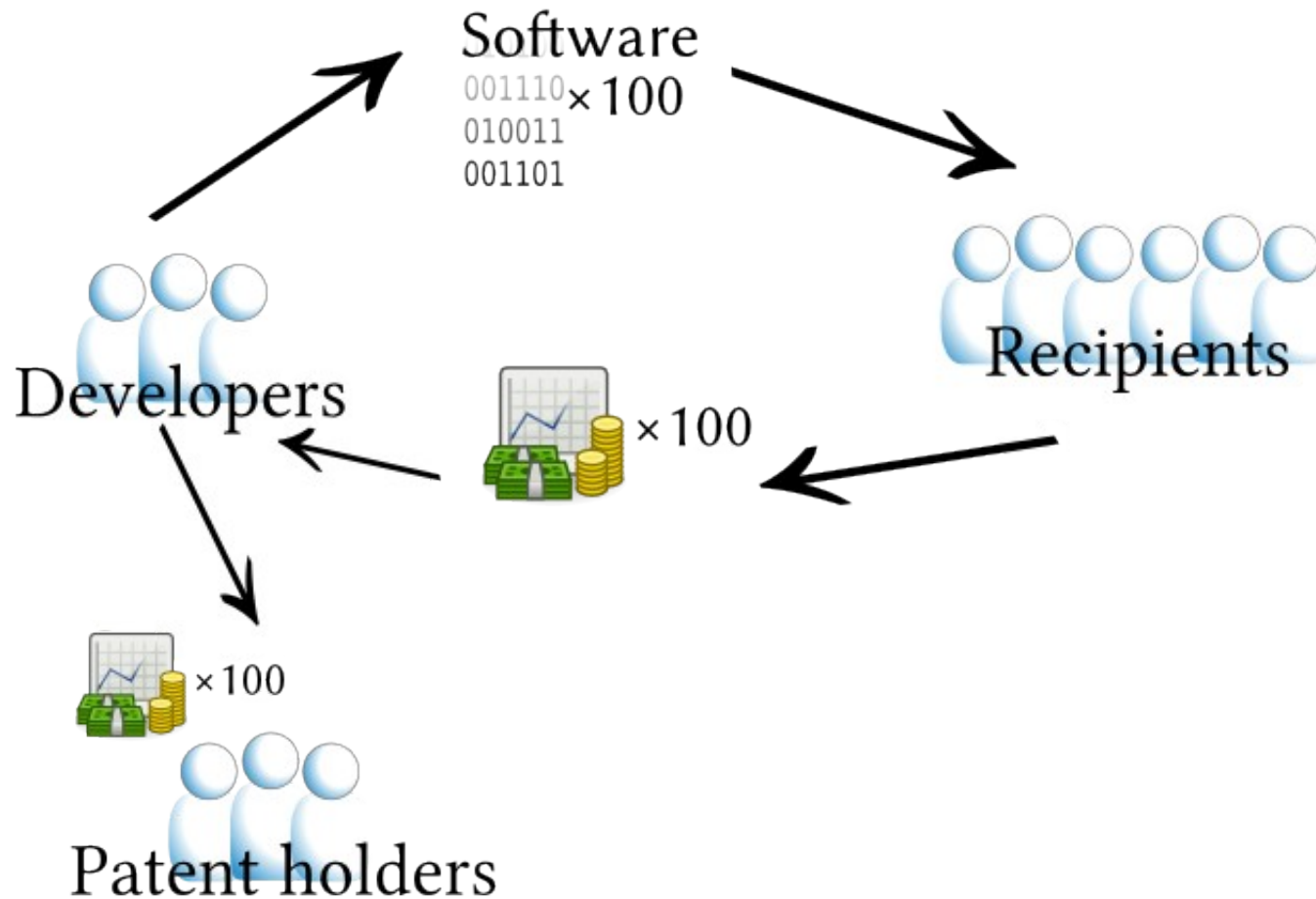
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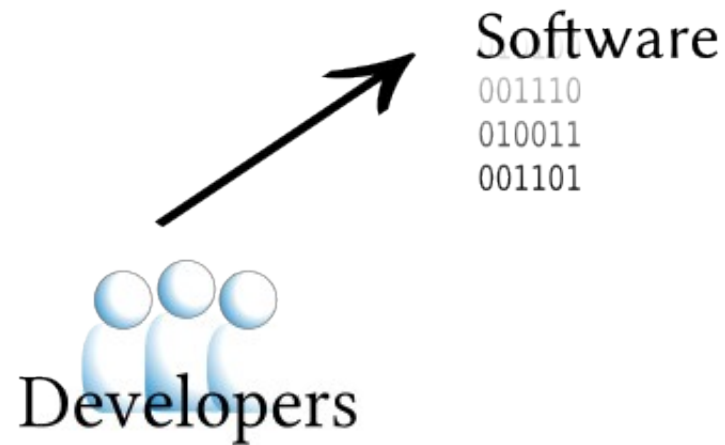
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Free Software

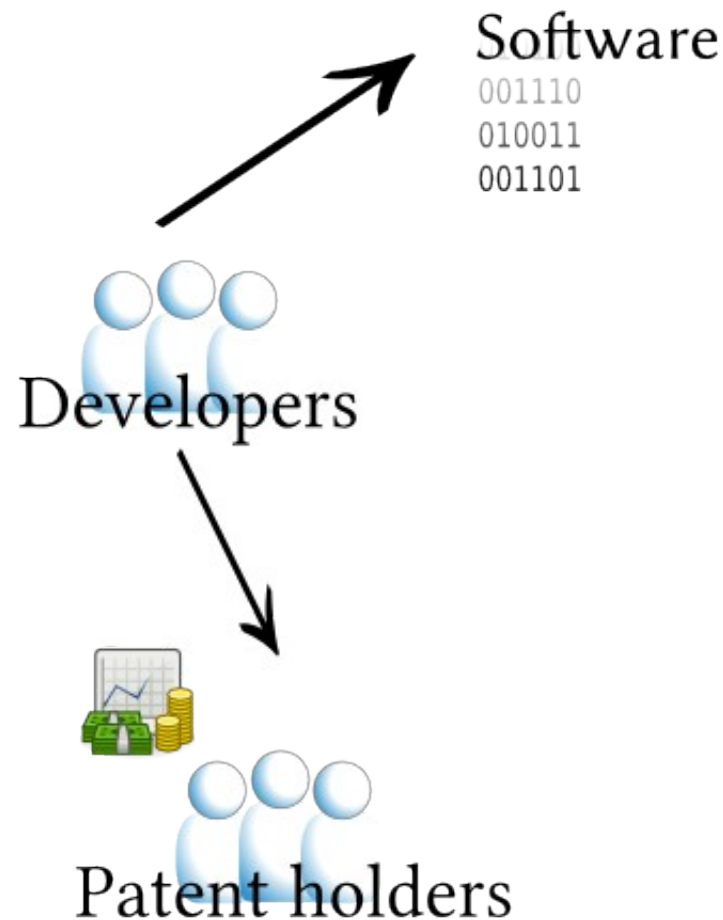


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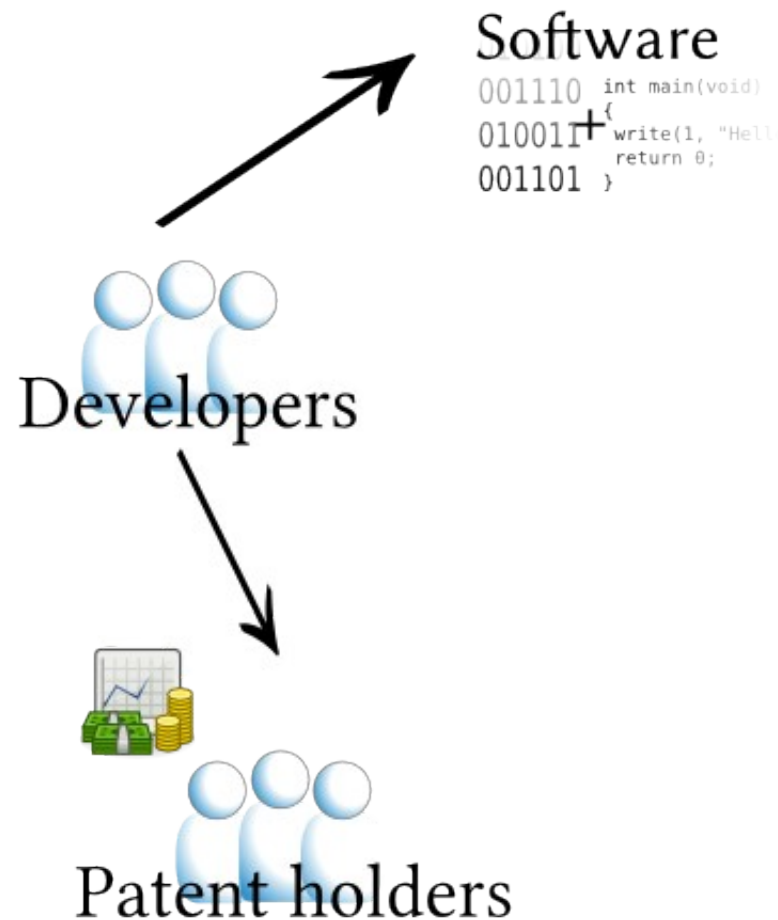


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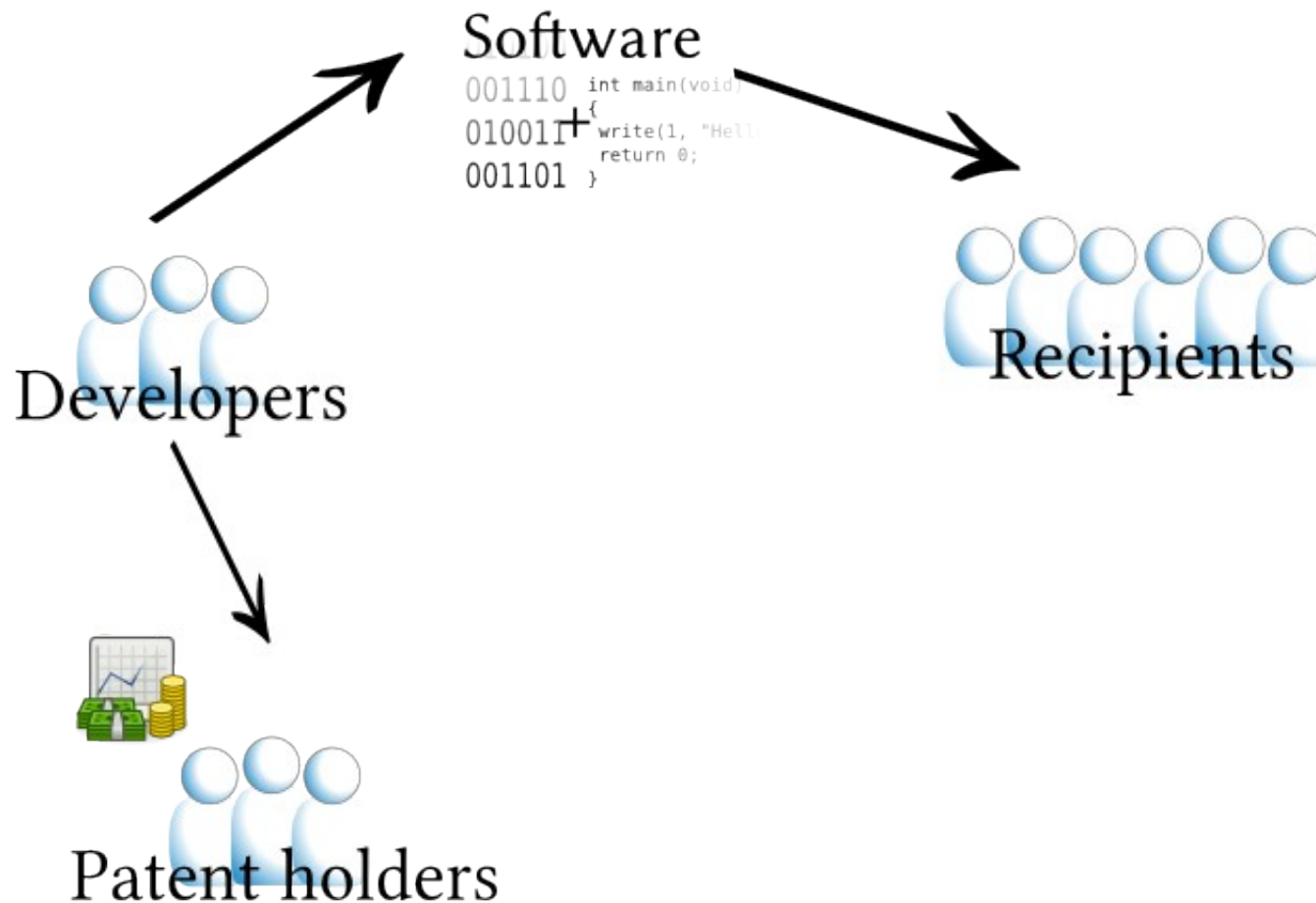


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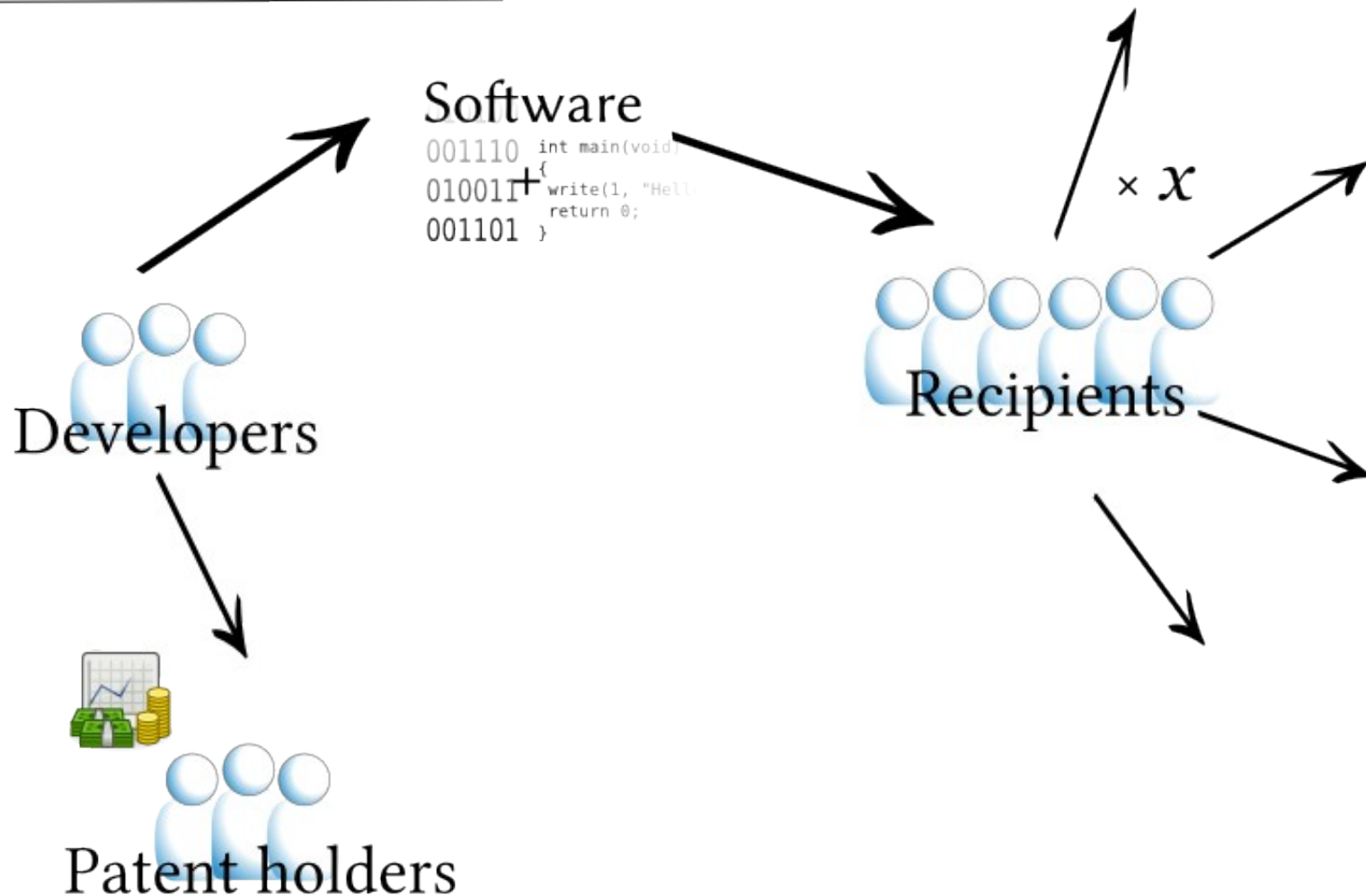
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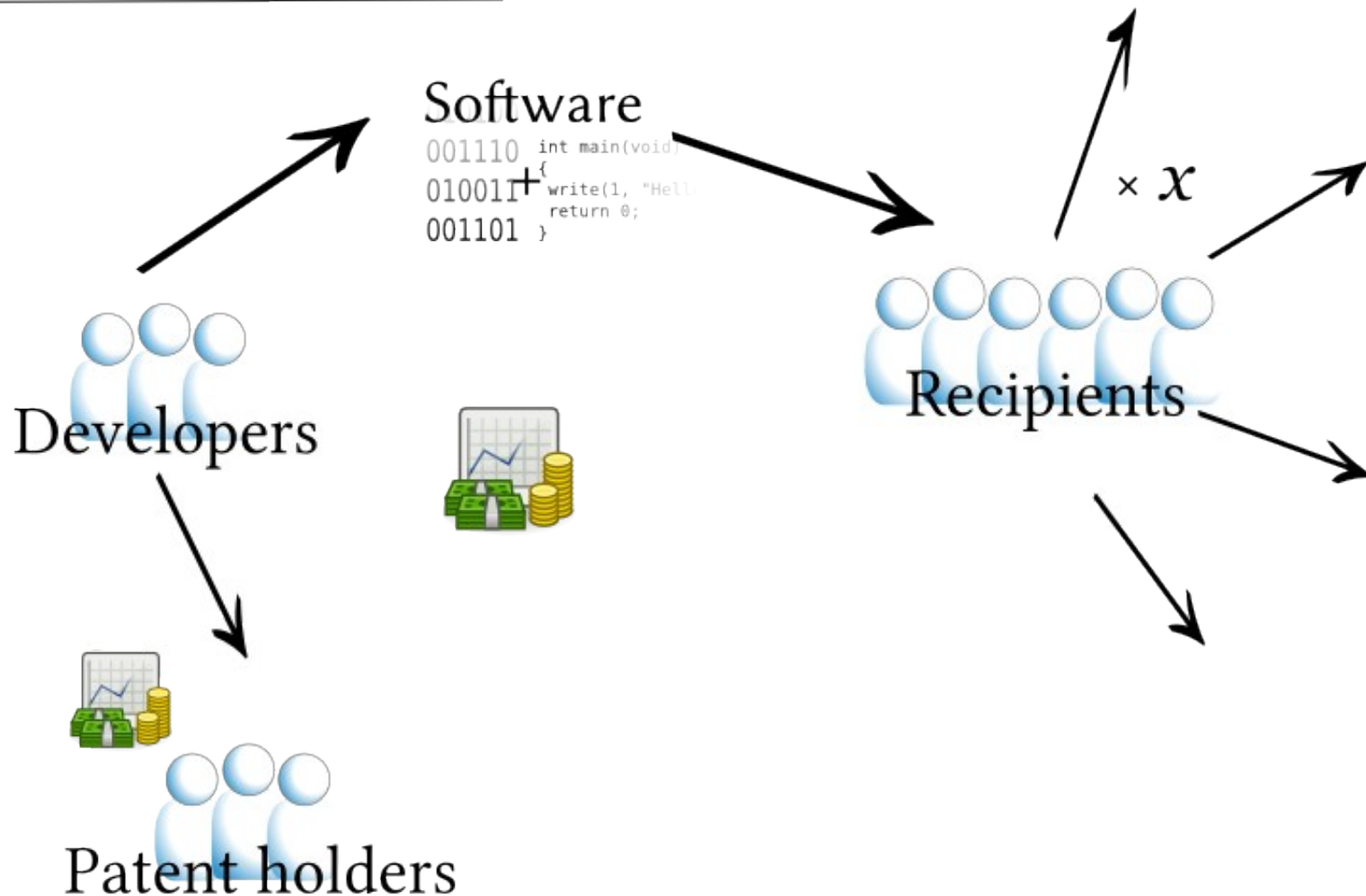


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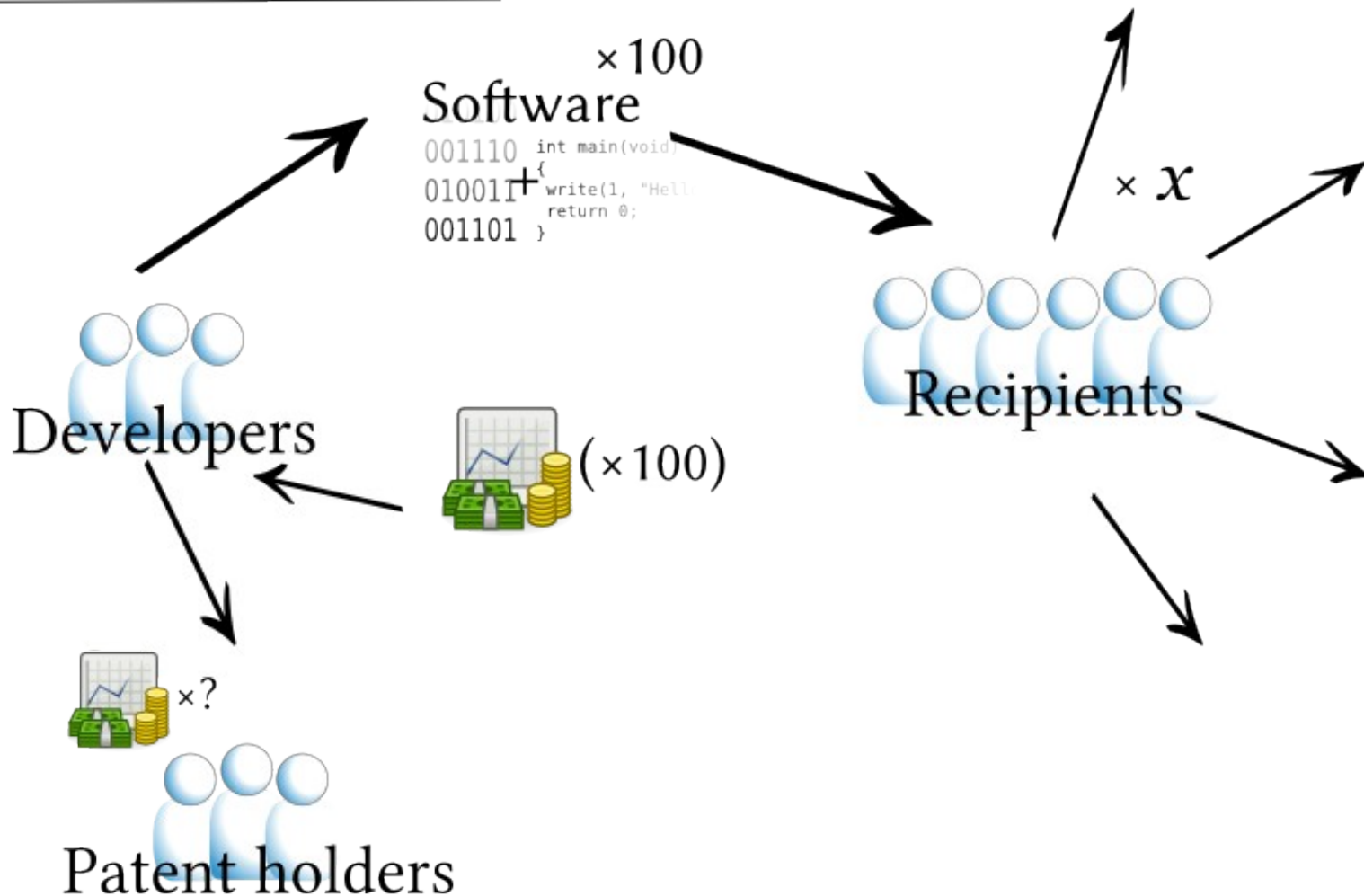


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Possible solutions for software:

- Interoperability trumps patent: Patents which limit interoperability should be unenforceable.
- Framework rules on interoperability:
 - Require software market participants to provide interoperability information for their products
 - EU Interconnection Directive as an example (EU/2002/19): requires telcos to let their networks connect to each other

Solutions (2)

- Standard Setting Organisations (SSOs) should update their patent policies to allow implementation in all business models
- Migrating from (F)RAND to interoperability preference will take time. In the meantime, enforce (F)RAND rules in a way that allows Free Software implementations (e.g. tie (F)RAND fees to downstream software licensing revenue)

Thank you!

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