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Online newsletter available at
▶ <http://www.oss-watch.ac.uk/newsletters/january2010.pdf>

We wanted to start the New Year with a bit of a bang and so we are pleased to announce the publication of one of our most difficult-to-produce articles [Microsoft: an end to open hostilities?](#) I say difficult-to-produce because we take our non-advocacy role very seriously and so balancing this article with all of the history and strong feelings on all sides was both delicate and time consuming. We are pleased with the result; we hope you will be too.

Plans for our forthcoming summer conference are hotting up and we will be announcing details in next month's newsletter so keep watching this space.

Elena Blanco, Content Editor, OSS Watch ▶ info@oss-watch.ac.uk

News from OSS Watch

OSCON 2010: call for proposals

O'Reilly Media invites you to lead conference sessions and tutorials at the O'Reilly Open Source Convention (OSCON) 2010, which will be held from 19 to 23 July 2010, in Portland, Oregon. The call for proposals closes on 1 February 2010.

▶ <http://en.oreilly.com/oscon2010/public/cfp/92>

Blackboard, Desire2Learn announce settlement

Blackboard Inc and Desire2Learn have announced that the companies have reached an agreement to license each other's worldwide e-learning patent portfolios and settle all outstanding litigation between them. Under the terms of the agreement, the companies will dismiss their pending litigation.

▶ <http://www.blackboard.com/Company/Media-Center/Press-Releases.aspx?releaseid=1366268&lang=en-us>

Open source means cost savings, survey suggests

According to the latest CAOS special report, conducted among more than 1,700 open source software customers and users, difficult economic conditions can be good for open source software and its vendors. When asked whether the current economic climate had affected their company's attitude toward open source, 46.5% said they were more inclined to open source, while 47.7% reported no change in attitude. Only 2.5% were less likely to adopt open source given current conditions. Another 3.4% were less likely to adopt any software because of the economic climate.

▶ <http://blogs.the451group.com/opensource/2009/12/14/open-source-means-cost-savings/>

Engaging developers workshop, Oxford, 9 October 2009 - report published

Why should software developers who create local customisations of open source software take the further step of submitting their changes back to the main project? Where do people who make contributions fit into an existing open source project, and why do projects want them? These are some of the questions addressed by an OSS Watch workshop and Elizabeth Tatham tells us what happened.

▶ <http://www.oss-watch.ac.uk/resources/engagingdevelopersworkshop-report.xml>

Google Nexus One android phone released in US

Google Inc has unveiled a new way for consumers to purchase an Android mobile phone, a web store hosted by Google. The company is also launching the first phone offered through this new model, called the Nexus One, which combines the latest in hardware from HTC Corporation with the newest Android software.

▶ http://www.google.com/intl/en/press/pressrel/20100105_phone.html

Firefox 3.6 release candidate available

The Mozilla Foundation has made a release candidate for the next point version of its popular Firefox Web browser version 3.6 publicly available. Code-named Namoroka, it adds several powerful new capabilities, both for end-users and developers.

▶ http://news.yahoo.com/s/zd/20100111/tc_zd/247506

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Microsoft: an end to open hostilities?

First branded as a communist plot, then derided as a form of cancer, before being upgraded to merely a 'grey spectre', free and open source software (FOSS) has had a pretty rough ride from Microsoft over the years. For many in the open source community, the company represents all that is troubling about closed source software development. Recently, though, there have been developments that at least one leading open source developer has labelled a 'sea change' following last year's announcement that Microsoft was to become sponsors of the [Apache Software Foundation](#) (ASF).

Microsoft surprised many in the open source community for a second time in July 2009 by actually committing some of its own, hand-crafted-in-Redmond code to the Linux kernel. Initial reaction to the news ranged from shocked

delight to deep suspicion and things took a turn for the worse a few days later when further information about the reasons behind the decision seemed to confuse matters. What at first had been officially described by Microsoft as 'a break from the ordinary', and had been talked up in blogs by various software engineers at the company, turned a little sour when open source advocates and commentators began to question the real motives behind the move. Just as debate about this had started to die down, Microsoft pulled another rabbit from the hat. In mid-September 2009, the company announced the launch of a not-for-profit organisation, The Codeplex Foundation, set up with the aim of exchanging code and furthering the understanding of open source among 'commercial' companies.

These recent events neatly encapsulate the continuing saga of the relationship between Microsoft and the FOSS communities. Whilst some believe that significant change is underway at Microsoft, many are not so easily convinced. They worry that there is more 'spin' than substance to the company's various open source initiatives, and others point to past exploits as evidence of Microsoft's inability to change. In this respect there are three key events that have drawn attention to the company's interest in open source development: Microsoft's sponsorship of the ASF, the MS-Novell deal, and an agreement with the [Open Source Initiative](#) (OSI) to certify two Microsoft licences.

“...Whilst some believe that significant change is underway at Microsoft, many are not so easily convinced.”

1. Dividing the community: the Microsoft/Novell, GNU/Linux patent deal

One area that has often revealed fundamental differences between Microsoft and the open source community is Microsoft's attitude to intellectual property (IP). The company has long championed the role of the patent in technology innovation and, over the years, has developed a formidable arsenal of technology patents that has formed a key component of the Microsoft business model. This attitude to IP, especially the issue of software patents, came to a head in a very public conflict in which Microsoft

claimed that free and open source software violated 235 of its software patents. In an interview published in *Fortune* magazine, Microsoft CEO Steve Ballmer stated: 'We live in a world where we honor, and support the honoring of, intellectual property.' He went on to argue that FOSS developers

were going to have to 'play by the same rules as the rest of the business'.

If Microsoft's claims had been true, then in theory the company should have been able to sue, but a particular clause in the GPL v2 licence ruled this out – Richard Stallman, President of the [Free Software Foundation](#) (FSF), had anticipated the possibility of such action and inserted what has become known as the 'liberty or death' clause. Microsoft's IP team, led by Brad Smith, worked out a way around this, by focusing any potential licence or royalty deal on the end users of a GNU/Linux or FOSS product rather than the software's distributors. The 'ins and outs' of what happened next are complex but in brief, a major GNU/Linux distributor, Novell, came to an arrangement with Microsoft under which they agreed not to sue each other's end users for patent infringements.

This deal, and similar ones with GNU/Linux-related companies like Xandros, TurboLinux and Linspire, went down very badly with many in the free and open source world, in large part because by making the deal Novell had, in effect, given credence to Microsoft's contention that GNU/Linux and other products had infringed patents. The FSF's response was to redraft parts of its forthcoming GPL v3 to try to put a stop to this kind of arrangement but Microsoft remains 'leery' of GPL v3.

Continue reading this article at <http://www.oss-watch.ac.uk/resources/microsoft.xml> and find out more about Microsoft and OSI, Apache sponsorship, Microsoft's history with open source, the business model and much more.

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Open Source, Open Development, Open Innovation workshop

Published by Sam Jordison on December 11, 2009. A workshop run on December 7 2009.



Introductions

More and more researchers in the UK understand the concept of open innovation and more and more universities say that they support it. A large percentage of them even have a policy to adopt open source software. Even so, the number of open innovation projects running in UK institutions is still low. More clearly needs to be done - both to persuade people to adopt open innovation policies and to enable them to do so. This workshop was designed to show how open innovation works in practice and how open innovation concepts can be applied to software development. In providing successful working examples of open innovation it also had the side benefit of making a good case for its application. (Although during the course of the day quite a few interesting problems and issues relating to open innovation were also teased out.)

[Ross Gardler](#) from OSS watch introduced the day with a brief overview of the work carried out by OSS Watch in running workshops, providing speakers and expertise and advice: "We don't make decisions - we help others make informed decisions."

What is open innovation?

Ross also helped define the terms of the day by quickly explaining the principles of open innovation and citing the JISC description of a system that: "involves opening up parts of the development lifecycles for research, teaching and knowledge exchange ... external to the institution... in order to bring new perspectives, resources and collaborative opportunities." Once these terms were laid down (and after Ross had given the most famous example of open innovation at work - the internet) we moved on to the first talk by [Tim Francis](#) from [Pera](#).

How and where does open innovation work?

Tim built on Ross' concise definitions of open innovation by giving Henry Chesbrough's famous statement from 2003 that: "Open innovation is the use of purposive inflows and outflows of knowledge to accelerate internal innovation, and expand the markets for external use of innovation, respectively..." He followed with examples of companies that have made use of open innovation practice. These included: [InnovationXchange](#), [Innocentive](#), and [Spread Shirt](#). The common strand tying these examples together - aside from their adoption of open innovation - was their rapid growth and success. Yet, Tim said, there are also serious issues of trust, problems relating to

overcoming cultural differences between companies and academia and problems relating to feedback mechanisms within organisations that have tried to adopt open innovation. He cited a [report](#) that Pera carried out for JISC earlier this year, which showed that currently "there's a lot of dissatisfaction."

Open innovation in the Apache Software Foundation

Fortunately, the next speaker, Bertrand Delacretaz a senior developer at Day Software [www.day.com](#) and a member of the Apache Software Foundation was able to declare himself pleased with the way open innovation has helped his work.

The Apache web server, he says, powers 60% of servers around the world "and it relies on open processes and open code and quite a bit of crowd-sourcing." Bertrand says that a good bit of Apache's success can be attributed to the quality of the feedback that everyone working on it gets when they have something to add to the programme. He then gave a detailed description of the feedback processes that the Apache developers use, including mailing lists alerting people when code is committed to the programme's central repository, events issue trackers, email discussions and automated tests. "It's really useful," he said. "It helps develop a shared vision. There's no scattered information. All decisions are made through mailing list. They get real-time status updates. They can do real-time help requests. It also helps create self-service archives. And the beauty of open-source is that you can do this in collaboration with your users."

Emerging themes

During the course of this talk (Bertrand has helpfully posted the slides for this [on his blog](#)) one of the major themes of the day also began to solidify - that open innovation is not about chaos and throwing away control of projects. Apache is carefully managed and there are numerous procedures in place to ensure projects have momentum and integrity. So, for instance, new developments will generally have an incubation period during which their direction is determined by much smaller groups of people before they are opened out to the wider community - and there are many safety nets when it comes to inserting new code into programmes. Also emerging by this stage was the question of whether or not open innovation really encouraged new ideas, or whether innovation is actually more often down to a few individuals.

► [Blog article continues at http://osswatch.jiscinvolve.org/2009/12/11/open-source-open-development-open-innovation-workshop/](http://osswatch.jiscinvolve.org/2009/12/11/open-source-open-development-open-innovation-workshop/)



Mailing lists vs. forums

Published by Sander van der Waal on December 15, 2009

On Monday the 9 of December we organised two simultaneous workshops on open development. One track was about open innovation whereas the

other focused on the theme of building an engaged community around open source software projects. I gave a presentation on the latter track about my first experiences with an open source project and explained about the community tools that are essential for open development: a good homepage, a version control system, an issue tracker and mailing lists.

One question at the end of my session was about the mailing lists. I had explained that it is very important to have a publicly accessible mailing list that anybody can subscribe to and that you should ensure that all communication about the project is on the mailing list. The question was about why you should use mailing lists for this and not forums. — Now I always like mailing lists because they form a rather direct way of communication. If you are

subscribed you will find messages of the project in your mailbox immediately and provided you are online you are almost instantaneously updated with the latest information. As such it may even lower the barrier of participation for people who start getting involved in the project, because chances are higher that, once subscribed, they never need to go back to the website actively to be updated.

Forums, on the other hand, are always online available, more easily searchable and as such they may be a better resource to find back information for new users. A problem that has been resolved through discussion on the list can be found back easily. As Sebastian Brannstrom of the Symbian Foundation indicated at the discussion, Symbian find that users prefer to use forums rather than lists. Common questions, which have been answered on list, are repeatedly asked on forum.

It is also easier to create different forums for different purposes, whereas you would not easily create a separate mailing list for each topic. Mark Johnson showed during his presentation on his

experiences with the Moodle community how they used forums for discussion. Topics can easily be linked to specific issues on the issue tracker, which gives a nice interface to everything related to an issue, whether it's discussion on a new feature, or how a bug should be solved. Discussion on a mailing list may disappear more easily.

There are some developments that blur the boundary between mailing lists and forums. Steve Lee, from OSS Watch, mentioned Google groups and how they function as a mailing list on one hand, but on the other hand also contain a publicly accessible and archived threaded forum, that allows for searching through specific discussions and can be referenced with a direct url.

What do you think? Should projects have mailing lists, forums, both, or something else? When it is publicly accessible for everyone and easily searchable online, does it really matter which communication channel is used?

► <http://osswatch.jiscinvolve.org/2009/12/15/mailling-lists-vs-forums/>

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Events



Frequently Asked Questions

Q What licence should we use for non-software deliverables?

A If the non-software deliverables are bundled or packaged with the software deliverables and unlikely to be usefully reused without them, it makes little sense to license them separately.

If, however, there are non-software deliverables that are likely to be independently reusable or redistributable, it may make sense to consider licensing them separately. The [Creative Commons licences](#) are probably the most widely used licence for content. OSS Watch has [documented the process](#) that led to our use of the Creative Commons (we previously used the GNU Free Documentation License).

Q I have an intellectual property (IP) clause in my employment contract – how can I release my software as open source?

A It is likely that your employer will own the copyright in the software you create, and that therefore you will need their permission to make it available as free or open source software.

Take a look at our document on contributing code to an open source project (link 'contributing code to an open source project' to <http://www.oss-watch.ac.uk/resources/contributing.xml>) for more detailed information on contributing to an existing project. You might also like to read our [Introduction to Ownership and Licensing Issues](#) for more detailed information on this topic.

For more answers to your questions visit: <http://www.oss-watch.ac.uk/about/faq.xml>

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