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Online newsletter available at:

<http://www.oss-watch.ac.uk/newsletters/january2011.pdf>

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Welcome to our first newsletter of 2011. In this issue, we bring you an article by Rowan Wilson on open source development as it relates to the mobile device world. Rowan also brings us a blog piece examining the news that 882 patents belonging to Novell have been sold on to CPTN Holding with the acquisition of Novell by Attachmate. Our second blog piece comes from Ross Gardler, who discusses the Java Community Process and examines the impact of Oracle's acquisition of Sun from a very personal perspective.

We hope you enjoy reading our newsletter. As ever, all comments are welcome at info@oss-watch.ac.uk.

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

News from OSS Watch



Linux Foundation publishes annual report on who codes the kernel

The Linux Foundation has published its annual report on Linux kernel development. The report details who does the work and how fast the Linux kernel is growing. It also reports on who sponsors the Linux kernel and whilst the traditional Linux supporters are still present there has been a noticeable increase in the number of sponsors from the mobile and embedded sectors.

▶ <http://www.linuxfoundation.org/news-media/blogs/browse/2010/12/our-annual-kernel-development-report-new-and-old-faces>

The Document Foundation joins Open Invention Network

The Document Foundation has joined the Open Invention Network (OIN), to further extend the free software ecosystems. By becoming a licensee, The Document Foundation - developer of LibreOffice, a free office suite for personal and corporate productivity - has joined the growing list of organizations that recognize the importance of participating in the Open Invention Network, in order to protect the free software ecosystem from the risks associated with software patents.

▶ <http://blog.documentfoundation.org/2010/12/20/the-document-foundation-joins-open-invention-network/>

Myriad Group sues Oracle America over Java licensing

Myriad Group AG, a Swiss software developer, has sued an Oracle Corp. unit in the US for at least \$120 million. According to the complaint, Oracle America has made Myriad pay for the Java programming language on 'unfair, unreasonable and discriminatory royalty-based terms'.

▶ <http://www.businessweek.com/news/2010-12-13/myriad-group-sues-oracle-america-over-java-licensing.html>

The Apache Software Foundation launches 'Apache Extras' to accelerate innovation

The Apache Software Foundation (ASF) has announced apache-extras.org, the Google-hosted site for code associated with Apache projects that are not part of the foundation's more than 80 top-level projects and dozens of initiatives in the Apache Incubator and Labs.

▶ <http://www.prinewswire.com/news-releases/the-apache-software-foundation-launches-apache-extras-to-accelerate-innovation-111844094.html>

ASF resigns from JCP Executive Committee

The Apache Software Foundation has resigned its seat on the Java SE/EE Executive Committee. Apache has served on the EC for the past 10 years, winning the JCP 'Member of the Year' award four times, and was recently ratified for another term with support from 95% of the voting community.

▶ https://blogs.apache.org/foundation/entry/the_asf_resigns_from_the

Google Wave accepted into Apache Incubator

The Apache Software Foundation (ASF) has announced that Google's Wave communication platform has been accepted into the Apache Incubator. A proposal to migrate portions of the code base to the ASF was posted to the Apache Incubator wiki in November by Google and Novell employees, as well as several independent developers. The Apache Incubator is the place where potential future Apache projects can be submitted to the open source organisation for consideration.

▶ <http://www.h-online.com/open/news/item/Google-Wave-accepted-into-Apache-Incubator-1147935.html>

App stores and openness

Full article can be found at <http://www.oss-watch.ac.uk/resources/appstores.xml>

As mobile devices become more complex and more popular, educational institutions are under increasing pressure to create software and mobile web content that helps their students and staff get the information and functionality they need, on the move. At OSS Watch, we have seen more and more requests for information on developing open source software solutions for mobile platforms. This document explains some of the general context and issues around mobile open source development, and in doing so discusses some more general trends in how software is distributed.

1. Mobile marches on

'Smartphones' and personal digital assistants have been around in one form or another for many years. For most of that time, however, they have been the exclusive preserve of technology hobbyists, IT professionals and business executives. This has partly been because the technology has been relatively expensive, but also because their appeal has been limited by their perceived complexity of operation. For a long time, mainstream acceptance was also hampered by the relatively small additional benefit that an average user would realise over a more limited mobile phone or even a filofax.

In recent years, however, the ballooning popularity of the web and, in particular, social web applications like Facebook and Twitter, has massively increased the general public's appetite for mobile internet connectivity and applications. Developments in interface design and simplification have also helped smartphones – and more recently tablet-based computers – break into the mainstream. Phone operating systems like Google's Android and Apple's iOS have made consumers expect simple compelling interfaces to useful functionality and data.

Over the same period, educational establishments have been working hard to make their data and systems accessible over the web for the convenience of their staff and students. It makes sense for these establishments to extend this effort to accommodate the growing number of users who are coming to them via mobile computing devices, but there are, unfortunately, some complications.

2. The rise of the app store

Part of the drive to make smartphones and tablets easier to use was a unification of the means of distributing applications. When the iPhone launched in early 2007, its manufacturer, Apple, initially rejected the idea that third-party software developers would be allowed to run their own software on the phone. No software development kit was distributed, and instead developers who wanted to get their functionality onto the device were told to embody

it in a web application – essentially a website with active elements embodied in Javascript that would be viewed via the phone's built-in web browser.

Within 18 months of the phone's launch, Apple had revised its strategy, released a software development kit to third-party developers and launched a unified distribution centre for all applications on their platform: the so-called 'App Store'. With a small exception (a separate scheme for businesses that wished to distribute their own private applications to a private group of handsets), the App Store was the only way third-party developers could get their software onto the iPhone.

This concept has been extremely successful for Apple, with over 300,000 applications available after just over two years. It features very heavily in Apple's advertising,

and is now being replicated by other device manufacturers hopeful that they can match its success. In fact, the model itself was not really novel: smartphone software portals like Handango had been fulfilling a similar function for many years, while the unified software repositories run for Linux

distributions like Debian and Maemo (now MeeGo) had many of the characteristics of Apple's App Store. What these forerunners did not have, however, was the element of compulsion. They were convenient sources of software, but a user could always seek their software elsewhere, or indeed create and install it themselves without consulting any external authority. By being essentially the only way to get third-party software onto your iPhone, the App Store ensured that it would gain a large body of software and a large amount of user attention.

3. Mediated and curated

This approach has not only worked well for Apple, but has also served its users well in some ways. While earlier smartphone users would have to comb the web for software that ran on their devices – and take some risks as to its security and functionality – Apple's curated software service makes the process easier and less risky. However, for proponents of free and open source software, this gathering of the means of distribution into the hands of a single entity is troubling, and poses a genuine threat to the ideal of a free, unmediated sharing of software between users.

In order to enforce the controls that define this model, Apple compels both developers and end users to enter into contractual arrangements with them if they wish to make use of the App Store. These contracts place responsibilities on the developers and users to not do things that break the model. For example, users cannot redistribute the software they receive – whether it costs money or not – and developers must use the App Store as their only point of distribution.

“By being essentially the only way to get third-party software onto your iPhone, the App Store ensured that it would gain a large body of software and a large amount of user attention.”

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▶ Article continues at <http://www.oss-watch.ac.uk/resources/appstores.xml>

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Rowan Wilson

The Novell deal

Published by Rowan Wilson on December 3, 2010.

The web has been aflutter with the news that Novell – owners of the SUSE Linux distribution – have been sold to Attachmate, and that furthermore a bundle of 882 patents belonging to Novell have been sold to CPTN Holding, a somewhat mysterious proxy for a group of tech companies organised by Microsoft. Whenever the words Microsoft and Linux get mentioned together there is extensive internet drama. In this case the concerns raised were chiefly

- that Microsoft might somehow use the 882 patents to destroy Linux
- that Attachmate might kill the openSUSE project

Point 2 was answered quickly by a [statement](#) from Attachmate shortly after the deal was announced:

“The openSUSE project is an important part of the SUSE business... As noted in the agreement announced today, Attachmate plans to operate SUSE as a stand-alone business unit after the transaction closes. If this transaction closes, then after closing, Attachmate Corporation anticipates no change to the relationship between the SUSE business and the openSUSE project as a result of this transaction.”

That leaves the suspicion that CPTN Holding might be a lynching posse for Linux. An interesting [post](#) on the FOSSPatents blog argues convincingly against panic on this score, but I think there are also other reasons for delaying any effigy burning or widespread acts of civil disobedience. Novell was a member of the [Open Invention](#)

[Network](#), an organisation that holds a group of patents and licences these to tech companies on condition that they commit not to use their own patents against Linux. The OIN is criticised on occasion for seeming to be inert (in fact the blog post I linked above does just that) but it's quite possible to argue that for a body like the OIN success looks an awful lot like inertia. After all, if it were constantly having to ride to the rescue of Linux, it would be failing in at least its intended deterrent effect.

In any case, OIN is kind enough to [publish](#) the standard agreement that tech companies sign up to when joining. This agreement covers what happens when a signatory wants to sell (assign) the patents that they have agreed not to use against Linux:

5.1 No patents subject to this Agreement shall be assigned or any rights granted hereunder unless such assignment or grant is made subject to the terms of this Agreement. Neither OIN nor You shall assign this Agreement, assign any of its rights under this Agreement, or delegate any of its obligations hereunder, unless otherwise agreed in writing by the other party. Any attempt to do any of the foregoing shall be void.

I am not a lawyer, but my reading of this clause is that – assuming this agreement was in force between them – Novell needed OIN's agreement to sell their patents and the patents themselves remain subject to the agreement at their new home. If this is the case, it seems extremely unlikely that they can be used against Linux.

▶ <http://osswatch.jiscinvolve.org/wp/2010/12/03/the-novell-deal/>



Ross Gardler

The JCP is dead to me, long live Java

Published by Ross Gardler on December 9, 2010.

I'm a great believer in community, openness and transparency. I have lived the majority of my life believing in teamwork, collaboration and honesty.

When I was a schoolboy I played Volleyball. My coach taught me the importance of working hard within a team and, as a result, I was lucky enough to be selected for the England Schoolboys Squad. During the final squad selection process I suffered a pretty bad injury that prevented me from participating in the training sessions. Rather than sit at home sulking I took my coach's advice and helped the remaining players demonstrate their skills. I worked hard to both hide my frustration and ensure that the team was prepared to play without me.

On the day the final squad was selected I was the first to be called into the Managers office. Naturally I expected to be dropped, I wasn't fit. Instead of dropping me the Manager explained that a team needed motivators and leaders as well as raw talent. Apparently he had seen two of those three qualities. To my amazement he asked me if I would take the role of Vice-Captain, focussing on team spirit and cohesion.

I was proud and amazed, but more importantly I'd learned a great deal about the importance of teamwork and collaboration.

A few years later my fun seeking took a turn towards some of the less healthy pursuits in life. Music became more important to me than sport and, after a series of false starts, I ended up managing a Dub Reggae band based in the crescents of Hulme in Manchester. This area was a horribly run down and deprived area, but it was a place of wonderful community and togetherness (if anyone cares the

“I'll tell you what's not to like – there's a trap.”

[ExHulme](#) site is devoted to how the area was back then, there's even a photo of the band in its early days, with a very flattering although not quite true heading).

The band was called Community Charge, a play on a hated Tory policy of the time and a call to arms for the community to rally and charge against such policy. Through my time building the band and crew to a team of 16 people I learned that a handful of individuals with passion, vision and talent could rally huge numbers of individuals for a cause, entertain, have fun and even earn a living.

Fast forward a few more years and I discovered [FidoNet](#) and open source software as a means to reducing costs in organising and managing our tours. I immediately felt at home, the whole idea of people coming together to share skills in order to achieve more just felt 'right'.

A few more years later endless touring had taken its toll. I went to University as a mature student in order to reinvent my career. I learned more from open source communities than from my lecturers. I became a committer on my first Apache project and I took an unexpected career move into academic research. My open source mentors helped keep me ahead of the curve. I contributed back and was rewarded with recognition and support that would have been far too expensive otherwise. I became an independent contractor and never looked back.

As a Java weenie I rejoiced when the 1998 creation of the Java Community Process (JCP) promised to allow the future of the language to be openly defined. Whilst the language itself wasn't open source, at least the process for defining the language was open and reasonably inclusive.

More fast forwarding and Sun Microsystems announced that they were going to open source their Java implementation. The licence they chose was not a licence I like to use, but OpenJDK is a free and open source implementation of an openly defined language. What's not to like?

I'll tell you what's not to like – there's a [trap](#).

A trap that many in the community were not recognising. There are hidden restrictions that mean I (and you) can't modify OpenJDK to suit our needs. If we do modify it we have to choose between either remaining protected from patent litigation or conforming to the GPL, the chosen licence for OpenJDK.

Similarly you can't create an independent open source implementation of Java and protect users from patent litigation whilst also conforming to the [Four Freedoms](#) and/or the [Open Source Definition](#).

This trap was put in place by Sun Microsystems and The Apache Software Foundation (ASF) fought hard to [remove it](#). The ASF has served on the JCP Executive Committee for the past 10 years, winning the JCP "Member of the Year" award 4 times, and recently was ratified for another term with support from 95% of the voting community. The majority of the EC members, including Oracle, have publicly stated that restrictions on distribution such as those found in the Java SE 7 license have no place in the JCP

Sun did not remove the trap (despite a contractual obligation to do so) but they chose not to trigger it either. Instead they chose to keep it primed for a day when it might be sprung.

Today Oracle owns Sun Microsystems. One of Oracle's first actions was to make it clear that they were not going to change the licensing terms for Java (despite a contractual obligation to do so). Even worse, Oracle sent

clear signals about their strategy for Java – they were going to [trigger the trap](#).

Since none of my business activities have ever made me rich I'm not about to tell Oracle how to run their business. However, I do claim to know a thing or two about openness, transparency and fairness.

Oracle are free to play the closed game with Java, but I object to being lied to.

The Java specification is not open, OpenJDK is not open – Oracle should stop the lies.

I'll skip over the fact that Oracle objected to the trap when they might be caught in it, but are willing to use it now they own it.

I'll also skip over the fact that James Gosling, the creator of Java, has quit Oracle over their handling of the Java language team (Gosling told [eWeek](#) that "Oracle is an extremely micromanaged company. So myself and my peers in the Java area were not allowed to decide anything. All of our authority to decide anything evaporated.")

Instead I'll just add my support to The Apache Software Foundation who have [resigned](#) from the JCP EC. I'll also add my support to the two distinguished individual members, [Doug Lea](#) and [Tim Peierls](#) who have resigned in protest over the same issue.

I object in the strongest possible terms, to Oracle claiming that Java is open when in fact it is "[proprietary technology that must be licensed directly from the spec lead under whatever terms the spec lead chooses.](#)"

The JCP is dead, will Java continue as a proprietary technology or will the [community step up](#)?

Disclosure: I'm a member of the Apache Software Foundation. In this post I speak entirely as an individual, not as a member of the Apache Software Foundation or as a member of the OSS Watch team.

► <http://osswatch.jiscinvolve.org/wp/2010/12/09/the-jcp-is-dead-to-me-long-live-java/>



Events

Jan

19

Xerte Learning Object Production and Training day, University of Bath, 19 January 2011

This training day, hosted by the University of Bath, offers up to 50 delegates the chance to re-purpose, develop and share ideas, examples, resources and skills, as well as training and support throughout the day. There will also be team-working and networking opportunities before, during and after the event.

<http://www.rsc-south-west.ac.uk/index.php?p=14>

Feb

16-17

DevCSI Developer Days: Dev8D, London, 16-17 February 2011

The Developer Community Supporting Innovation project (DevCSI) is holding its annual 'Developer Days' event at the University of London Union, Malet Street, Bloomsbury in London on 16-17 February 2011. The event is free and provides opportunities for software developers to learn new skills, experiment with technology and ideas, share and network amongst their peers and even take on a number challenges.

<http://dev8d.org/>

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Frequently Asked Questions



Are the articles published by OSS Watch applicable to sectors other than the UK FE and HE sector?



Absolutely. Many of our [materials](#) discuss issues related to open source that are equally applicable to the public sector in general, or to the commercial sector. [Use OSS Watch's resources within your organisation](#) highlights many examples of how our materials could be of use in other sectors.

Find answers to your questions at: <http://www.osswatch.ac.uk/about/faq.xml>

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