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- Software represents more than 1% GDP in OECD economies
- Free software is the main choice for scientific and public sector new developments.



- Software Initiative has listed 66 different licenses that fall under the Open Source Definition
- Most Open Source Software is Publisher under the GPL (nearly 70% per cent of catalogued projects)
- There are critical OS projects under other licenses (BSD, MPL, Apache Software License, Artistic License...)



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For all these licenses you can....

Describe an ideological taxonomy

or

From legal terms Folkxonomy.



- Proposed a logical paradox of the language showing that comprehension is based on classification and that all classification of the universe is arbitrary and conjectural.
- Imagined some Chinese encyclopedia. In its remote pages it is written that animals are divided into:

- (a) belonging to the Emperor
- (b) embalmed
- (c) trained
- (d) pigs
- (e) sirens
- (f) fabulous
- (g) stray dogs

- (h) included in this classification
- (i) who are agitated like mad
- (j) innumerable
- (k) drawn with a fine brush of camel hair
- (l) etcetera
- (m) just to break the vase
- (n) that appear to fly away

- Any legal classification of Open Source Licenses will show the same ambiguities, redundancies and deficiencies

*******There is no naivety in these reflections*******



- The main drawback of “copyleft” licenses is that they are not mutually compatible.
- License compatibility is like blood type compatibility. (Van Lindberg)
- Compatibility is a very IP fundamental issue: to be able to build your code to interact with it and interoperate with it
- Imaging a book you have to write, and any word you need to use has one different owner. It happens in proprietary software but also in free software.



Mere Aggregation





Plugins – Dynamic Linking







Incorporation







- Based on the principle of free will and freedom of the covenants and Article 17 of the Copyright Law that enables the author to exploit his work in any way and the 19 defining the right to distribute that includes the making the public the original or copies of the work by sale, rental or any other form, "copyleft clause is to be an original, and perfectly legitimate exercise of the right of distribution by the author (if the software was delivered on physical media) or communication (if provided in electronic format).
- Law Munich District Court No. 1 in the case v. Netfilter Sitecom on May 19, 2004. The Court recognized a fully effective copyleft clause of the license and accept the condition implies that (clause 4 of the GPL)



International self-consistence of free software licenses

- Open Source Licenses impose restrictions and obligations tied to the existence of copyright, consumers laws, patents, moral rights and the content, standards, and applicability of these laws varies from country to country.
- It can create uncertainty for developers and users.
- Freedoms stand on laws more than in contracts. It means in international terms that we can adopt one license contract but we many different laws.
- A basic objective of a open source license is to achieve legal certainty and legal predictability.
- Only a few of Open Source Licenses provide both developers and users with a high degree of predictability and certainty of their respective rights and obligations.



Interoperability as a pre-requisite in Public Sector

- IDABAC program within the legal frame of the 2004/387/EC Decision of the European Parliament and Counsel of April 21, 2004. Interoperable paneuropean services of electronic administration of European Public Administrations, Community Institutions and European corporations and citizens.
- IDABC defines a generic instrument called “horizontal measures”, allowing horizontal paneuropean services of electronic administration infrastructure services or strategic and support activities.



Interoperability as a pre-requisite in Public Sector

- Some measures include the TESTA network and the Administrative Intranet and the Your Europe portal, offering cross-border services within EU, interoperability of electronic administration services, security measures, public procurement and Interactive Policy Making, Center of Resources of Communication and Information, promotion of free software and open formats and observatories such as IDABC of the Electronic Administration.
- No proposal of calendar yet on synchronizing the IDABC and other paneuropean E-Government projects.
- No clear strategy to coordinate local and state developments related to E-Government and community programs, such as IDABC



Interoperability as a pre-requisite in Public Sector

- LPI confirms on Article 3 that the intellectual property rights are independent, compatible and accumulable with (...) 2° The intellectual property rights that might exist on the actual piece of work



Winix: Windows Eight (or maybe Nine)

- Proprietary software, as a business model is falling apart (more evident in applications of massive use)
- Mobile Industry, not limited by any software monopoly is moving to Linux (Limo, Android, etc)
- Development and maintenance of proprietary software (i.e. Mobile operating systems) is unsustainable
- Today, no company can compete with the workforce available in the free software community (nor with the amount and quality of software)
- It is becoming more obvious that proprietary software sucks



Winix: Windows Eight (or maybe Nine)

- Windows Vista has been a commercial disaster, like other MS projects (soapbox)
- Microsoft is not looking good in the Stock Market
- Only resource for keeping Windows alive are obscure commercial tactics “a la Don Vito” (corruption, misinformation, legal threats, etc)
- Cost of developing and maintaining Windows to compete with free software will become (or already is) unsustainable
- GNU/Linux and OSX always increasing market share
- Google Chrome OS a major upcoming threat
- Loosing 20% of market share, now a conservative assumption



Winix: Windows Eight (or maybe Nine)

- Using GNU/Linux (or BSD) is the only long term choice for keeping Windows alive
- Mono is ready to offer .NET support on *NIX
- BSD is, without a doubt, a more permissive license for MS
- A major and free improvement over Windows as we know it
- Maintaining compatibility with previous versions (well, sort of, this never worked anyway for MS, did it?)
- An affordable way to maintain market share and existing (and future) software applications on top
- A half open half closed (initially, mostly closed) OSX style OS

Source: <http://blog.julian.coccia.com/2009/07/winix-el-windows-ocho.html>