A New OSI For A New Decade
Learning From OSI Reform Pressures

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Session Question

OSI has changed in response to the maturity of open source as a concept and practice. How well does your project's governance match the new norms of the open source community of communities?

Agenda

- Original Drivers Of OSI
- Today's Drivers Of OSI Reform
  - Foundations
  - Licensing
  - Software Patents
  - Cloud & Big Data
  - Government Procurement
- The Role of OSI Today
- OpenJDK and Open Source

OSI Past

- Founded 1998
- Steward of the Open Source Definition
- Arbiter of Open Source licenses
- Looking after the community's firmware...

Ethics & Pragmatics

"A corporation doesn't love you or hate you. Its like a lawnmower. Put your hand in, it gets cut off. It doesn't hate you, its just a lawnmower; it cuts everything."   – *B. Cantrill*

Original Drivers

- Cost Savings

- Business Model Innovation

- Web Server Stacks

- Breaking Microsoft Lock-In

OSI in 1998

- Pragmatic software freedom to allow the non-personal to benefit

- De-emphasise ethical imperative

- Open gateways to open source

- Focus on practicalities

  - Education

  - Licensing

- Building understanding

1. License Choice Evolution

"A license describes the environment for a business relationship"
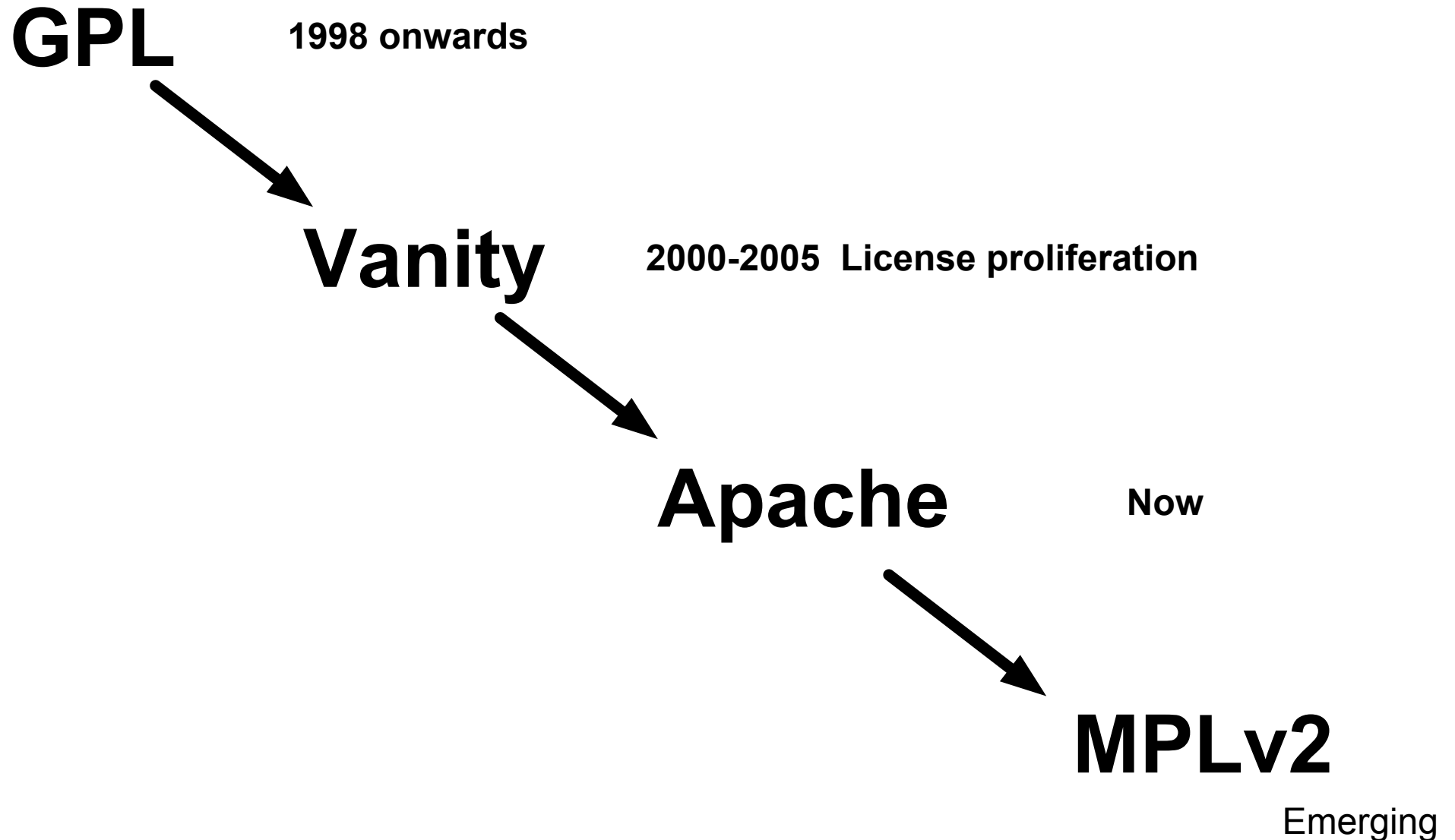
Corporate Lawyer

"A License is the constitution for a community"

Eben Moglen

Open Source License Trends

- Move to "plus" licenses

- Avoiding copyright assignment

- Explicit patent language

- De-emphasising Licensing

Open Source Licensing Trends

GPL   **1998 onwards**

Vanity   **2000-2005 License proliferation**

Apache   **Now**

MPLv2

Emerging

2. Open Source Foundations

Roles Of Foundations

- An integration point for community activity

- A host for managing fiscal and other shared resources, e.g.:
  - trademarks
  - shared copyrights
  - staff
- A guarantor and enabler for the governance

- An infrastructure provider

- A liability firewall for community participants

Synchronization of Self Interest

Security of Self Interest

3. Software Patents

Software Patent Realities

- Software patents are real internationally
  - Computer-linked functional claiming makes them possible (see http://www.stanford.edu/dept/law/ipsc/Paper%20PDF/Lemley,%20Mark%20-%20Paper.pdf)
  - They operate by threat, not court resolution
  - So they cause problems *everywhere*
- Patents arise even in open source
- Patents have become anti-competitive weapons
- Dealing with them is a major driver in community & license design

4. Cloud Computing

No Licence Compliance

- Proprietary software applies licence terms to end users (EULA)
- Software asset management is a major business cost
- Open source licences have no end-user limitations - *Free software has no EULA*
- Use that does not involve distribution to others has no compliance requirements
- Key, under-recognised open source value

Cloud Effects 1

- License evolution

- Formation of Foundations

- Business model evolution

  - e.g. CloudBees

Cloud Effects 2

- "Software Doesn't Matter"

- Shared componentry

  - Twitter

  - Facebook

  - Paypal

  - Google

- No need for "an open source business model"

5. Government Adoption

Trends in Government Adoption

- Increasing global adoption accelerating

- Successful projects emphasise flexibility
  - e.g. City of Munich, Germany
  - Contribution, investment, self-reliance

- Failed projects focus on cost savings
  - e.g. City of Freiburg, Germany
  - Usage-only, budget-cutting, "interoperability"

Price vs Flexibility

If you focus on flexibility, you will make savings too, but if you focus on savings your vendors will keep you trapped.

Freedom to...

Use   Add systems

                   Scale for demand

Study   Hire staff

                   Engage contractors

Modify   Improved functionality

                   Buy from a new supplier

Share   Use in any department

                   Give to citizens

... without permission

In other words...

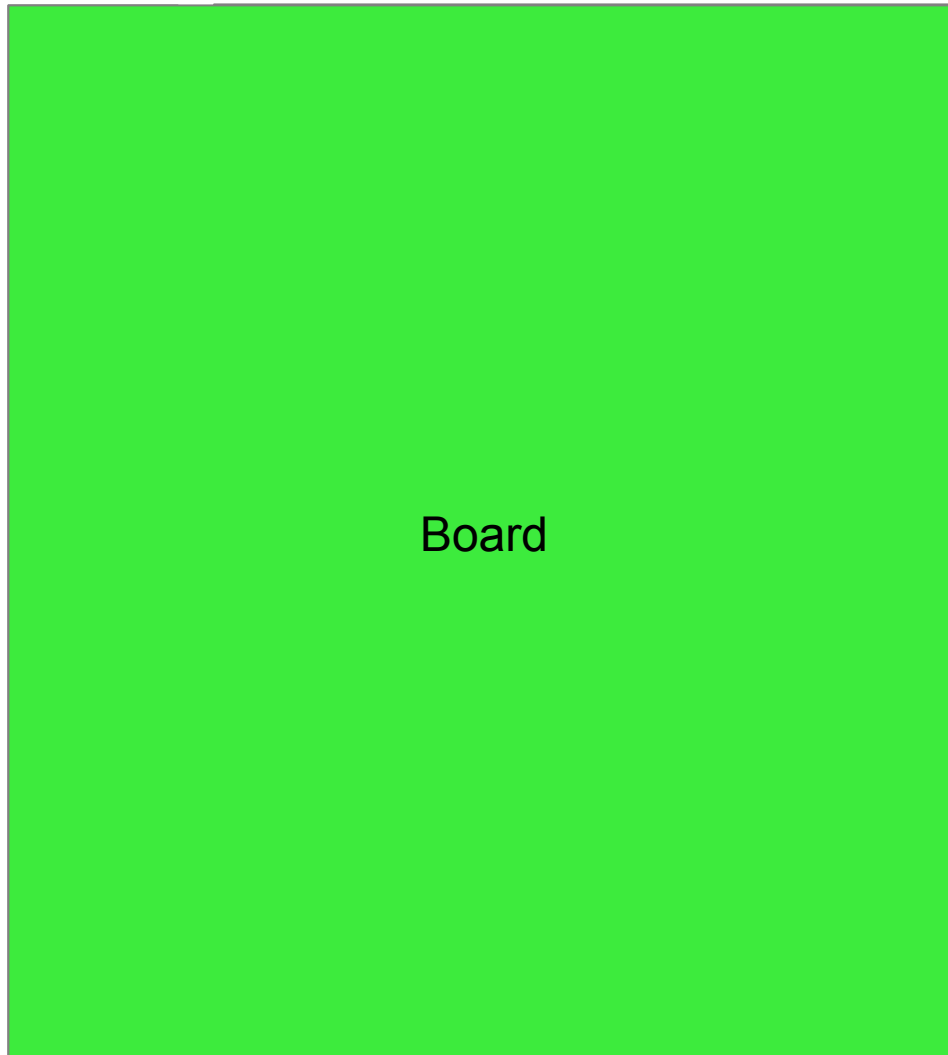# Open Source Means Self-Reliance and Self-Determination

OSI Future

"**educate** about and **advocate** for the benefits of open source and to **build bridges** among different constituencies in the open source community."

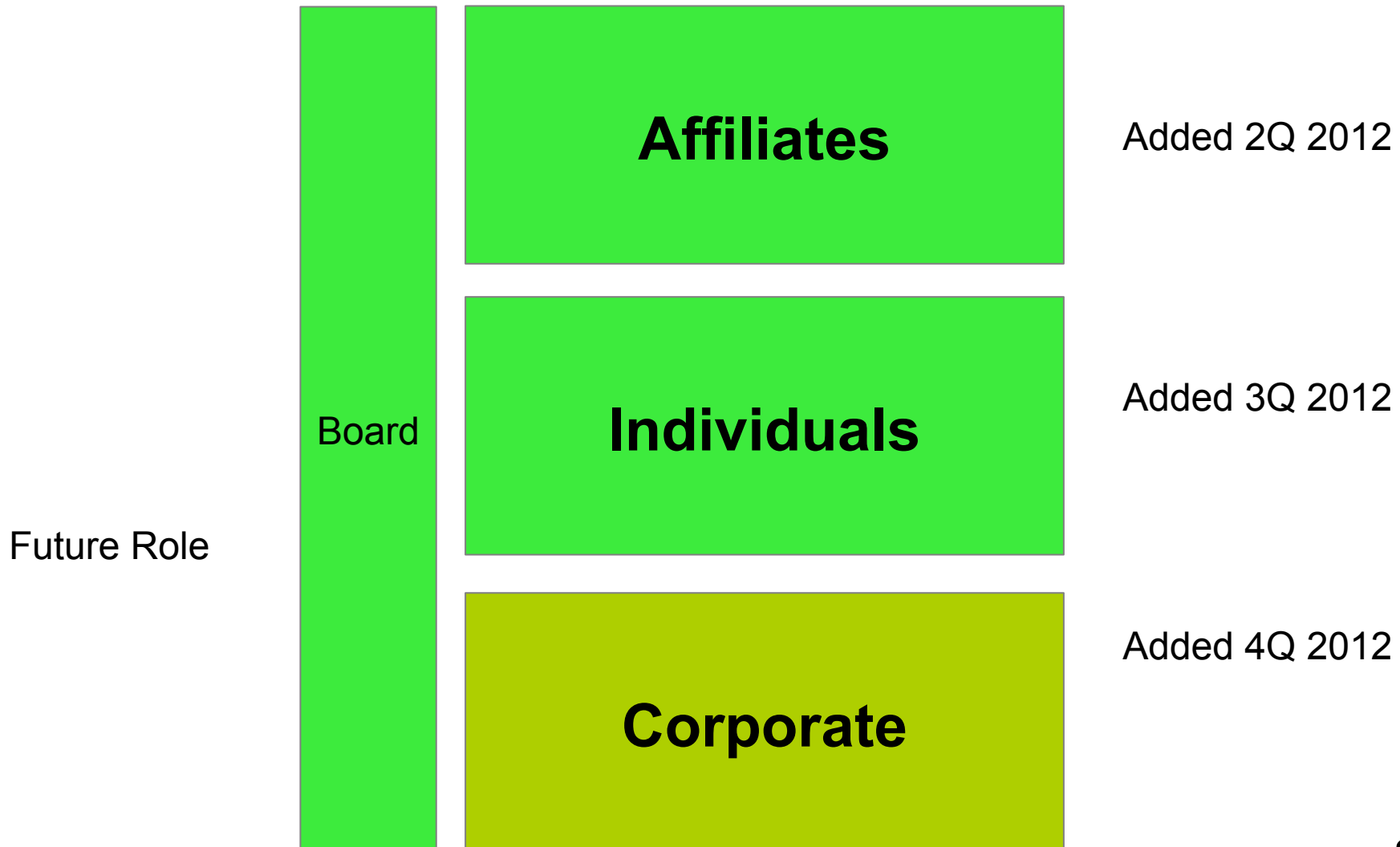(that's from opensource.org/mission)

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OSI Restructuring

OSI 1998-2011

Board

open source
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OSI Restructuring

Future Role

Board

Affiliates — Added 2Q 2012

Individuals — Added 3Q 2012

Corporate — Added 4Q 2012

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Join OSI Today!

Please JOIN NOW!

opensource.org/join

- Help us evolve – be part of the solution.

- You can finally join OSI personally!
- Your independent community group can join too.
- Your employer can join

Discussion

OSI has changed in response to the maturity of open source as a concept and practice. How well does your project's governance match the new norms of the open source community of communities?

5 Drivers - Summary

1. Licensing Evolution
   - Trending to community-aware
2. Foundations
   - Keeping the peace among corporate participants
3. Software Patents
   - Driving licensing & governance change
4. Cloud Computing & Big Data
   - Driving adoption, licensing, governance change
5. Government Adoption
   - Focus on Flexibility & Self-Reliance

Thank-you!

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About Me

- Technical background: electronics, programming
- Worked for three computer giants (Unisys, IBM, Sun)
- Watched & helped history unfold for PCs, the Web, Java, XML, Open Source
- British, US-based for 15 years while living in England
- Now a consultant and author
- *Boards:* OSI, ORG, OSfA (all *pro bono*)

  - @webmink in most places
  - Nexus is http://webmink.com

This presentation represents my own views, not those of any other entity.