

Modelling open source within and outside the software industry



Janet Hope, Australian National University

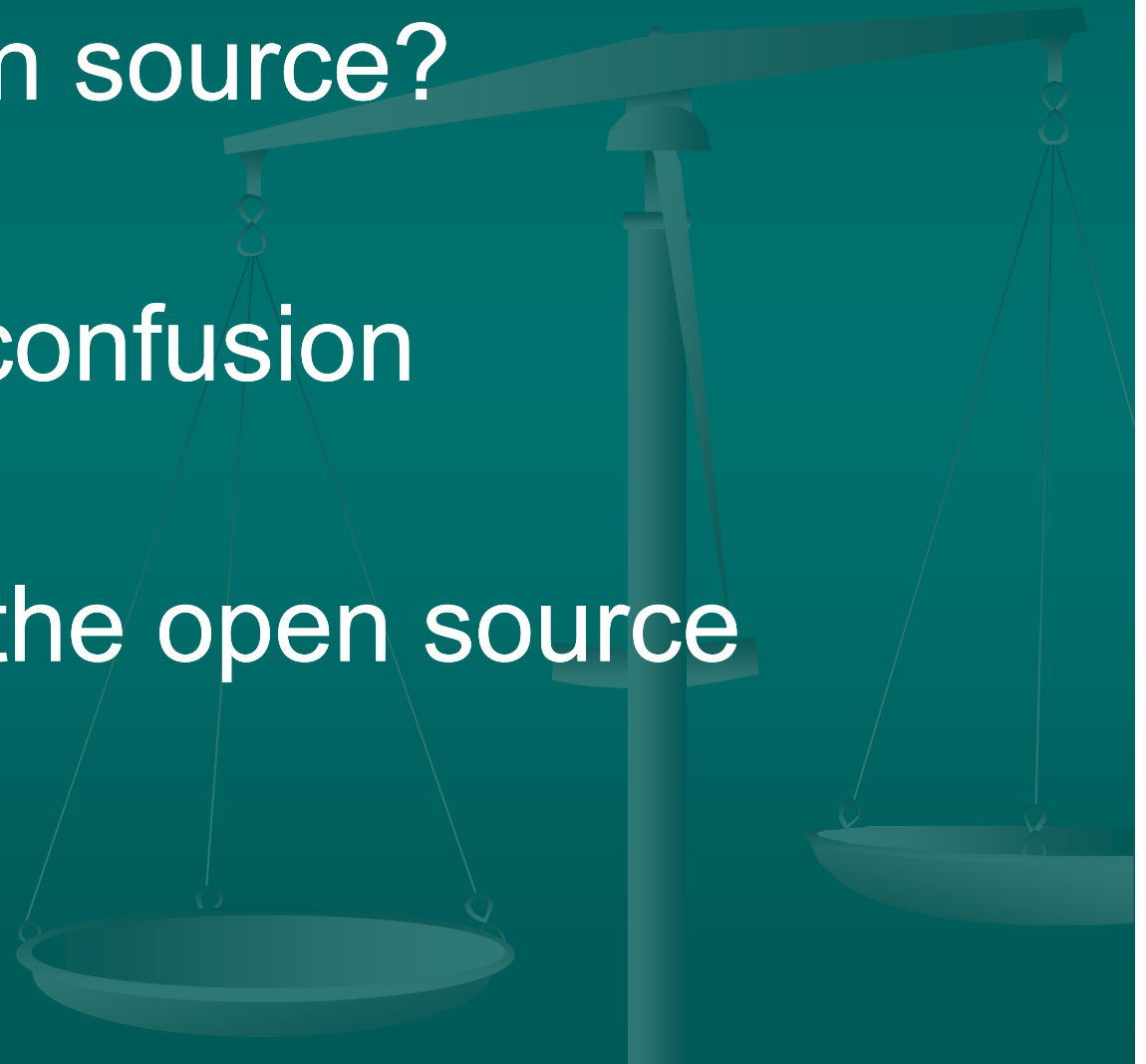
<http://rsss.anu.edu.au/~janeth>

Email: Janet.Hope@anu.edu.au

Symposium on Law and Economics of Intellectual Property,
Hitotsubashi University, Tokyo,
18 February 2008

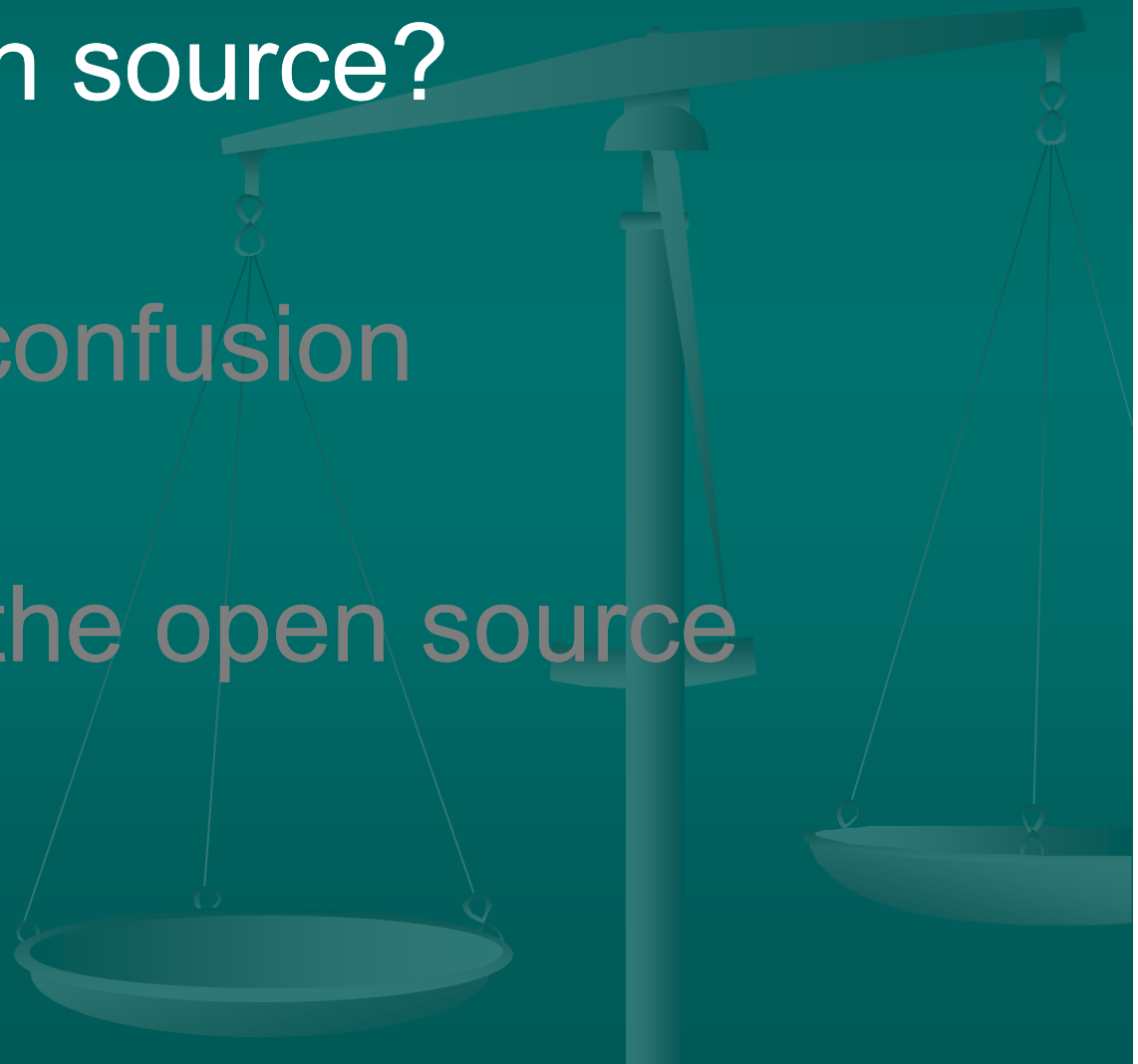
Overview

- What is open source?
- Sources of confusion
- Translating the open source model

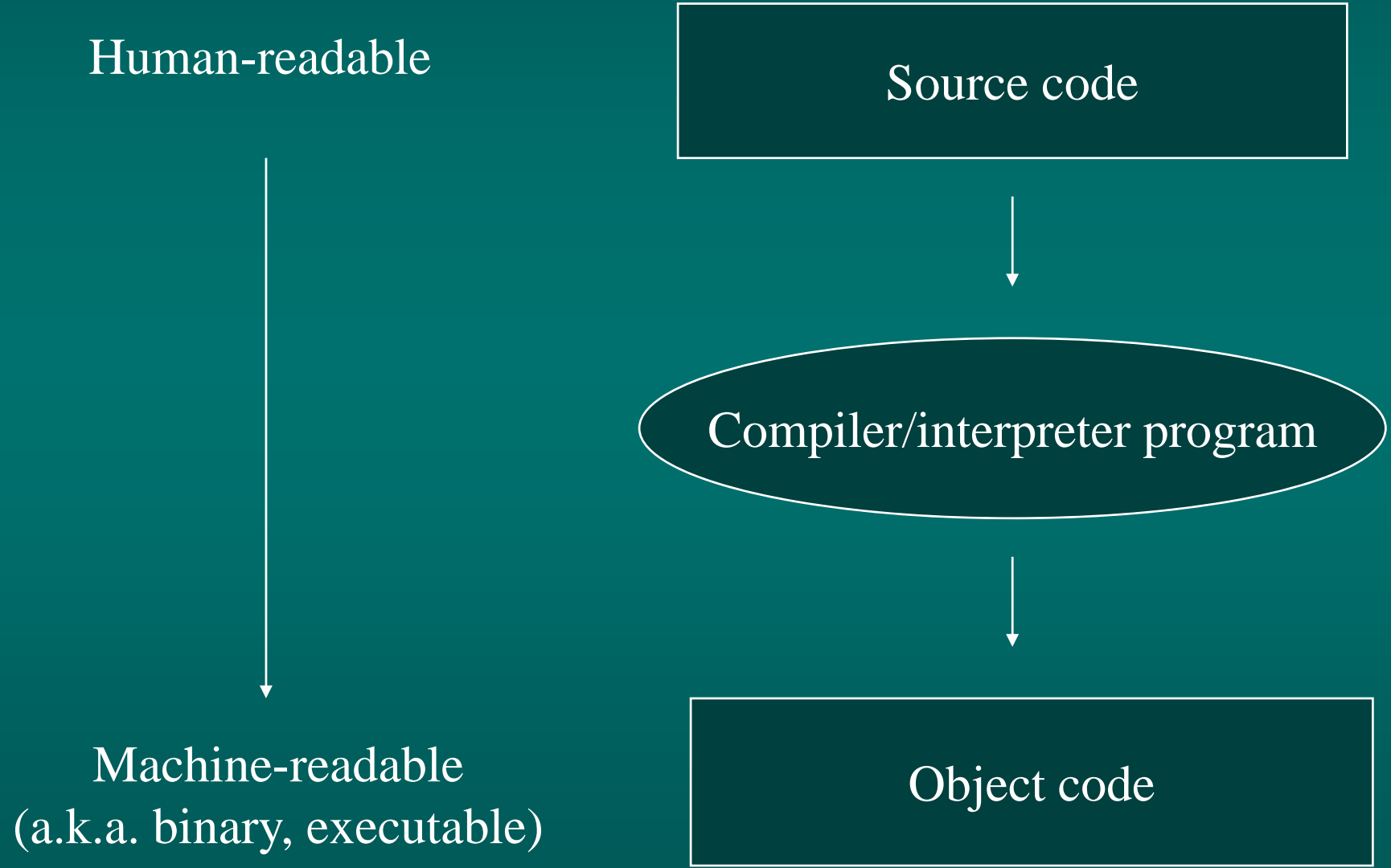


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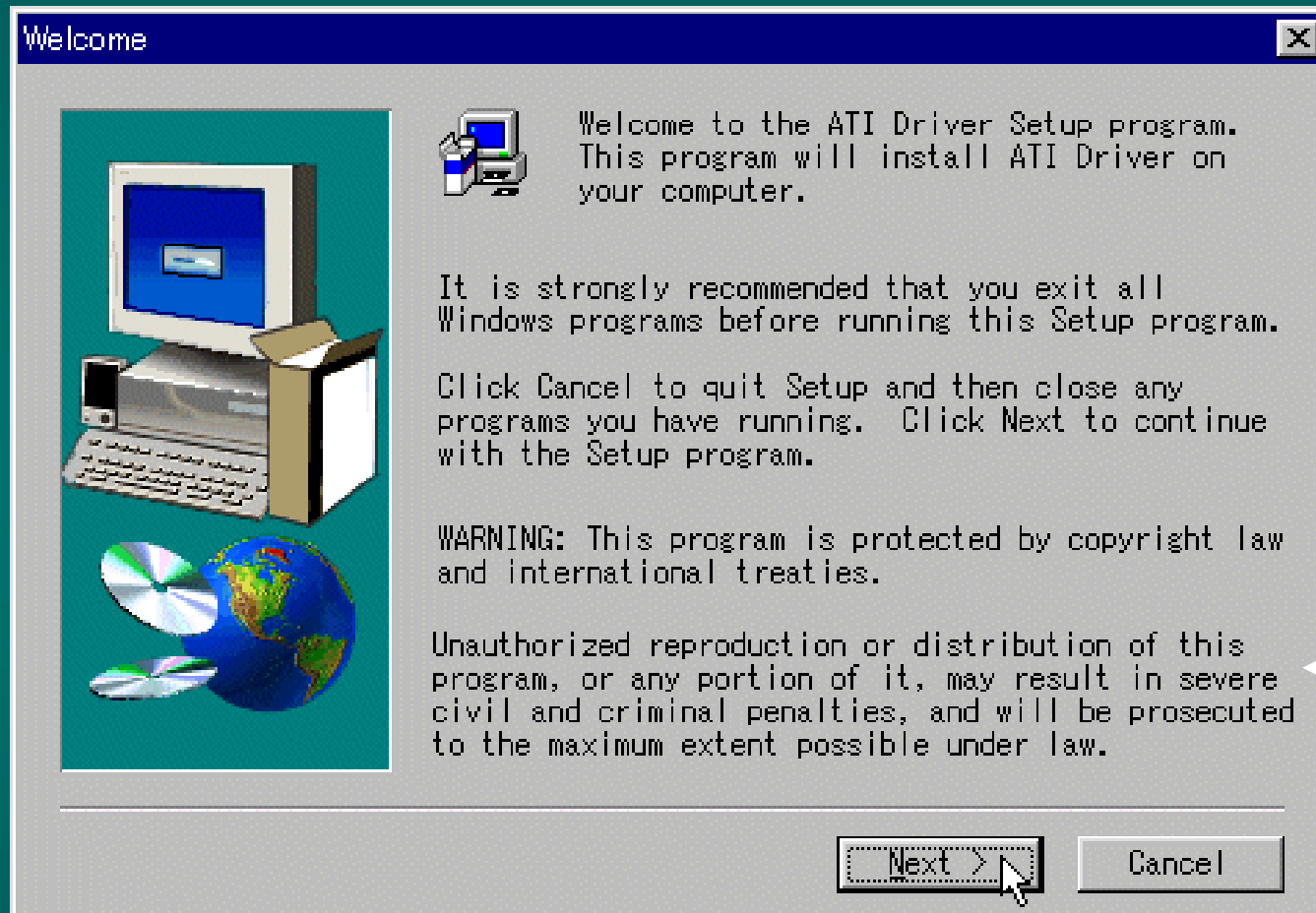
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What is open source? – source code



What is open source? – closed source



What is open source? – closed source

Microsoft

Lotus®

Borland®

Word Perfect Corporation

**Word
Star**

 **ASHTON-TATE**

Peter Norton Computing, Inc.

ORACLE®

VisiCorp

What is open source? – free software



What is open source? – free software

What is “free” software?

- Users are free to:
 - Run the program for any purpose
 - Study how it works and adapt to specific needs
 - Redistribute copies
 - Improve the program and release improvements

= Access + legal freedoms

What is open source? – copyleft licensing



Copyleft: “all rights reversed”.

What is open source? – the GPL



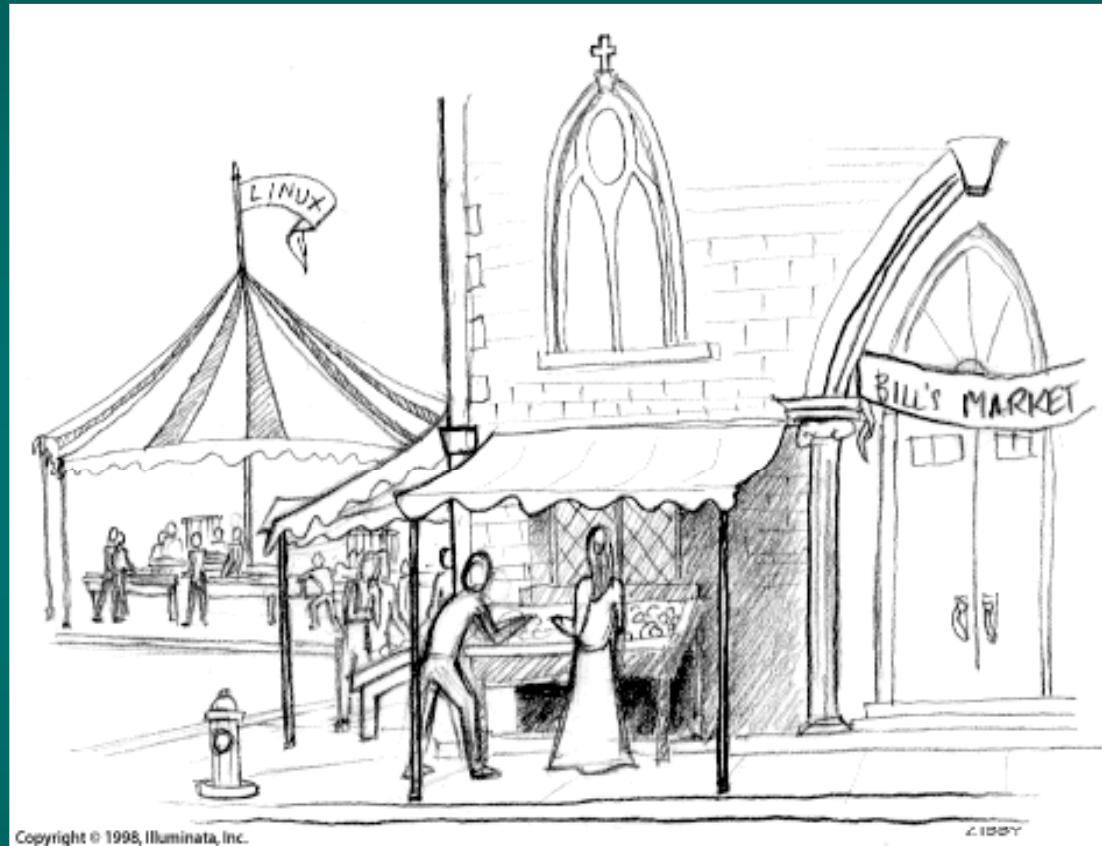
“GNU’s Not UNIX”

What is open source? – Linux



Linus Torvalds

What is open source? –the “bazaar”



The cathedral and the bazaar


What is open source? – the “bazaar”



Science as a jigsaw puzzle

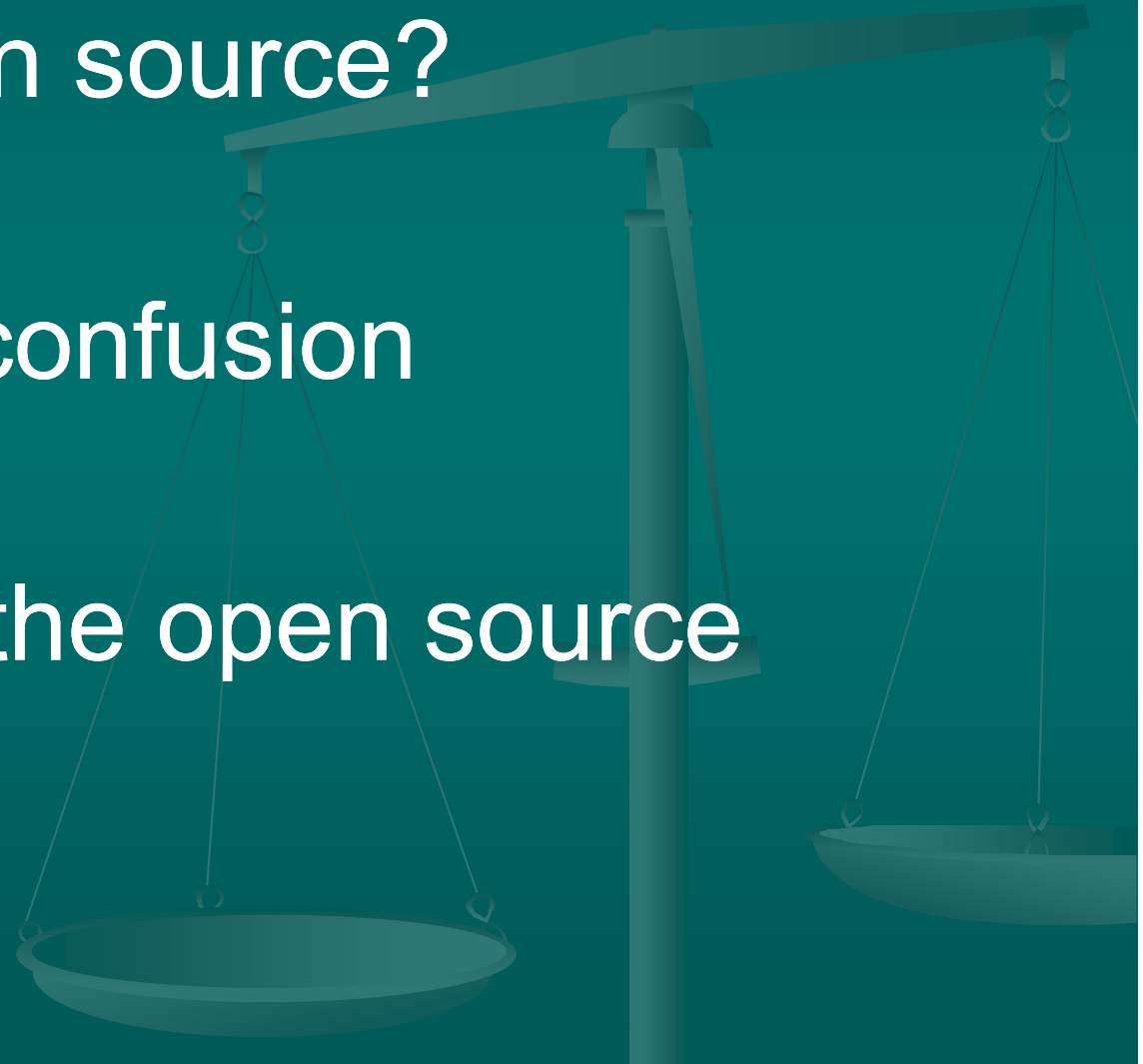
What is open source? – business strategies

Commercial applications

- Cost sharing: access to improvements made at others' expense
 - Larger market for complementary goods or services
 - Enhanced reputation and learning capacity
 - Competitive effects
- 

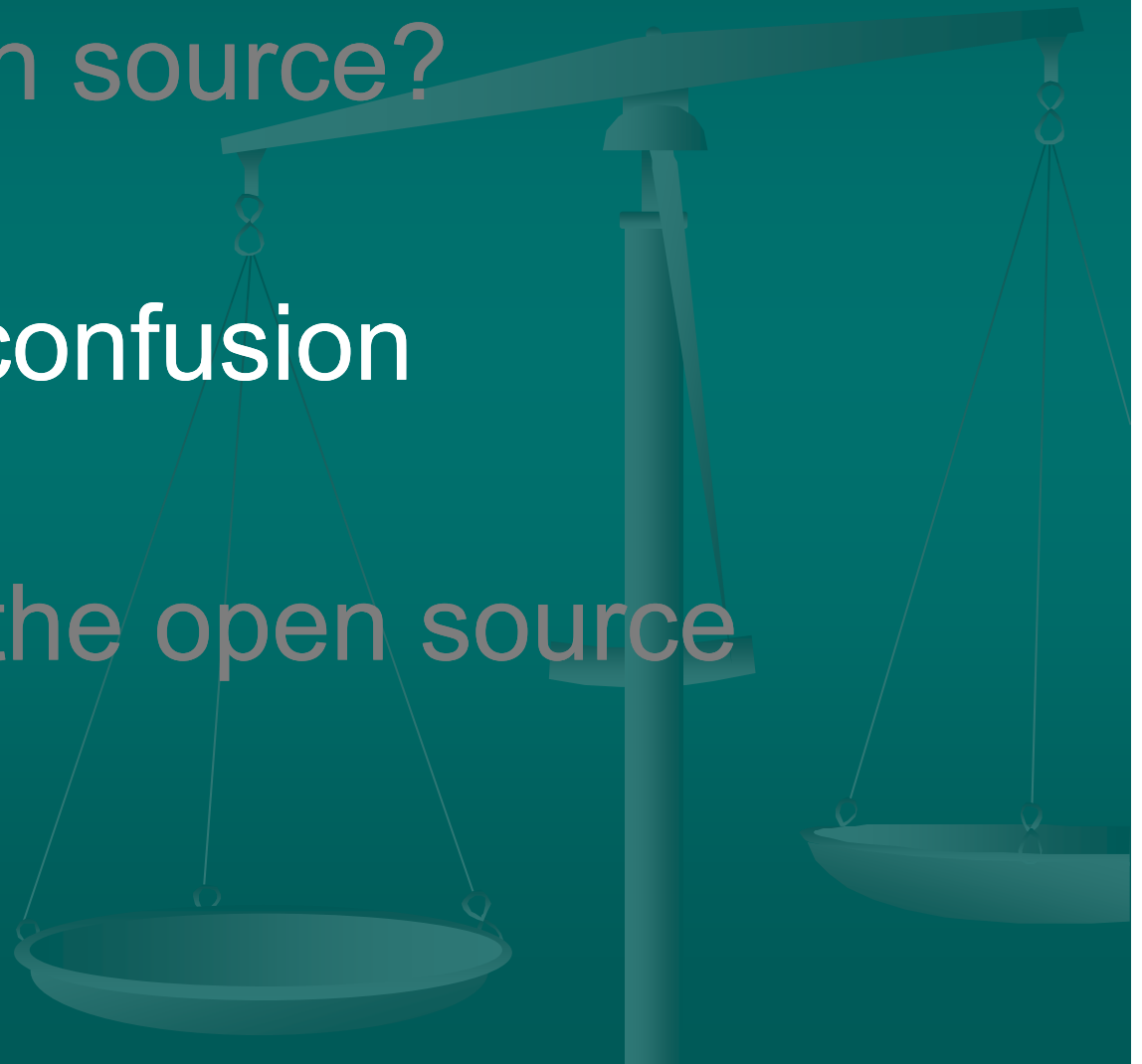
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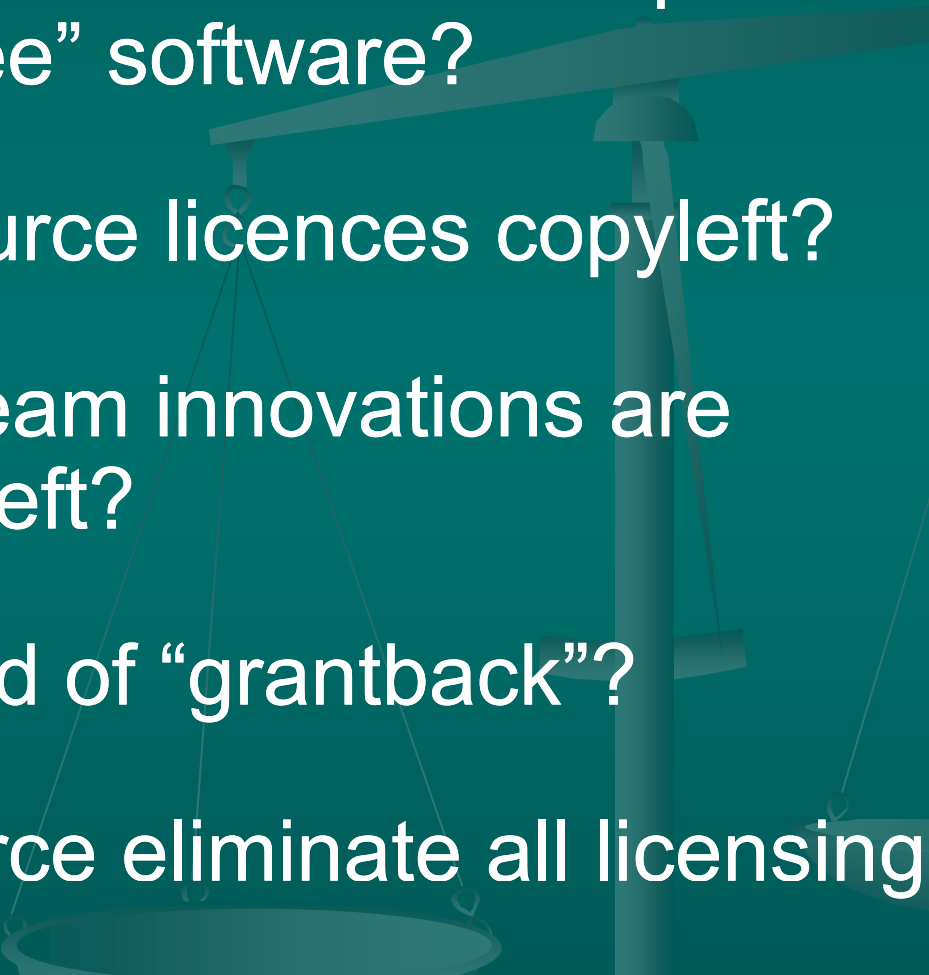


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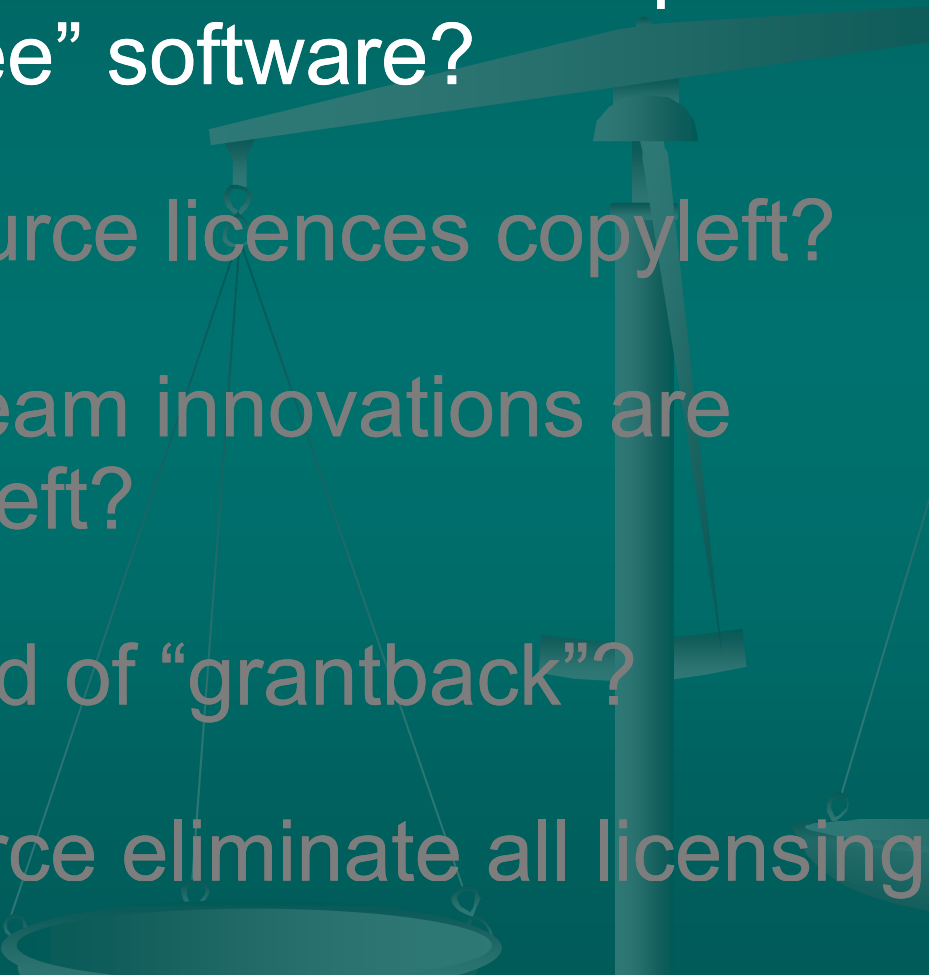
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Sources of confusion

- What's the difference between “open source” and “free” software?
 - Are all open source licences copyleft?
 - Which downstream innovations are subject to copyleft?
 - Is copyleft a kind of “grantback”?
 - Does open source eliminate all licensing revenue?
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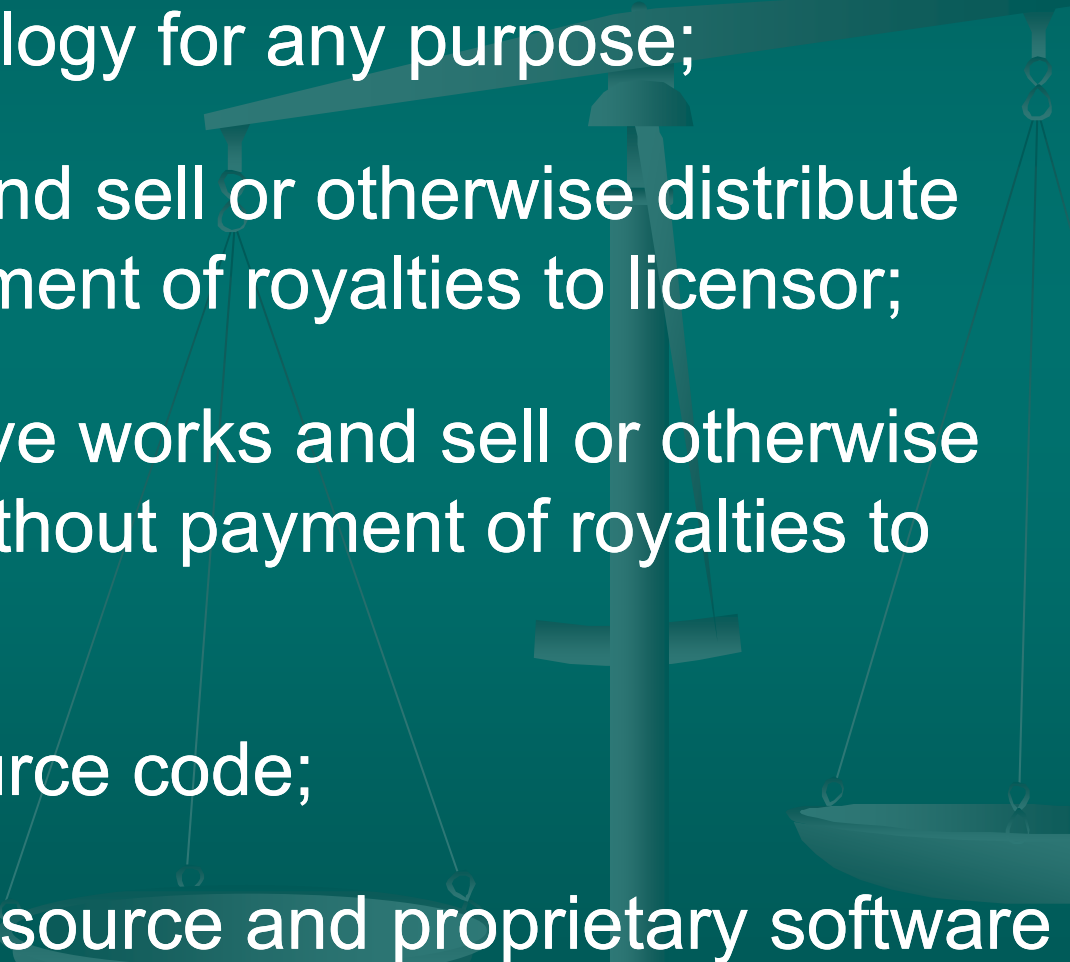
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Sources of confusion – “open source” vs “free” software

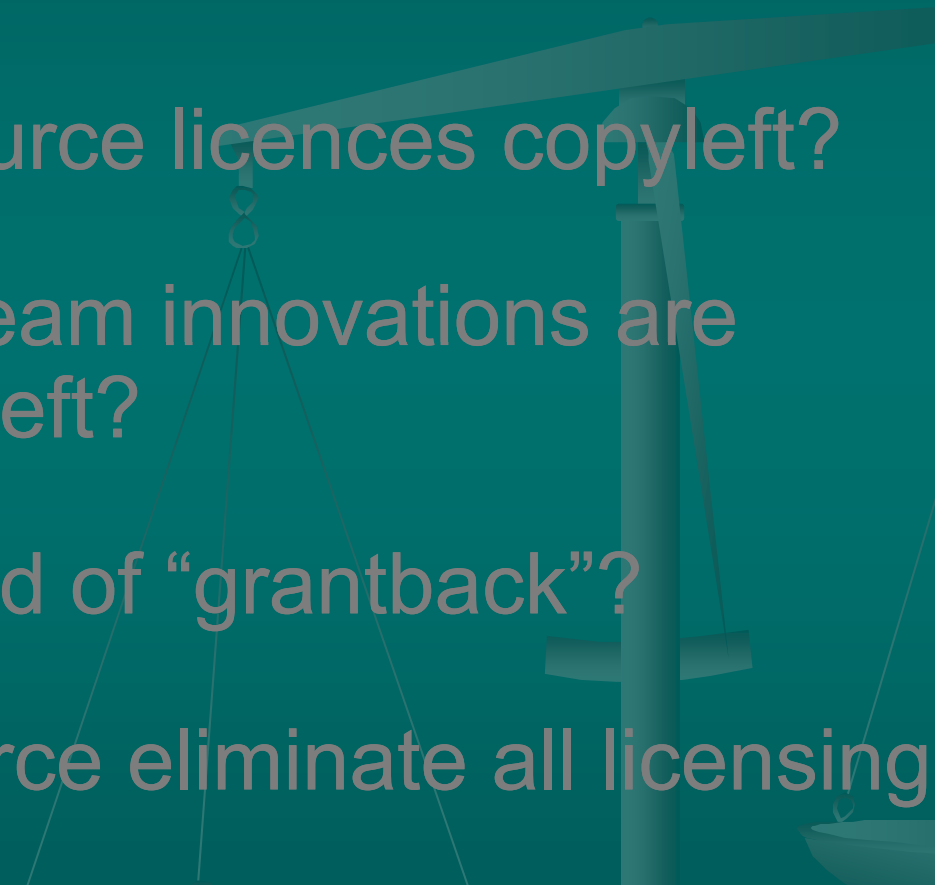


Sources of confusion – “open source” vs “free” software


Licensees are permitted...

- To use the technology for any purpose;
 - To make copies and sell or otherwise distribute them without payment of royalties to licensor;
 - To create derivative works and sell or otherwise distribute them without payment of royalties to licensor;
 - To access the source code;
 - To combine open source and proprietary software
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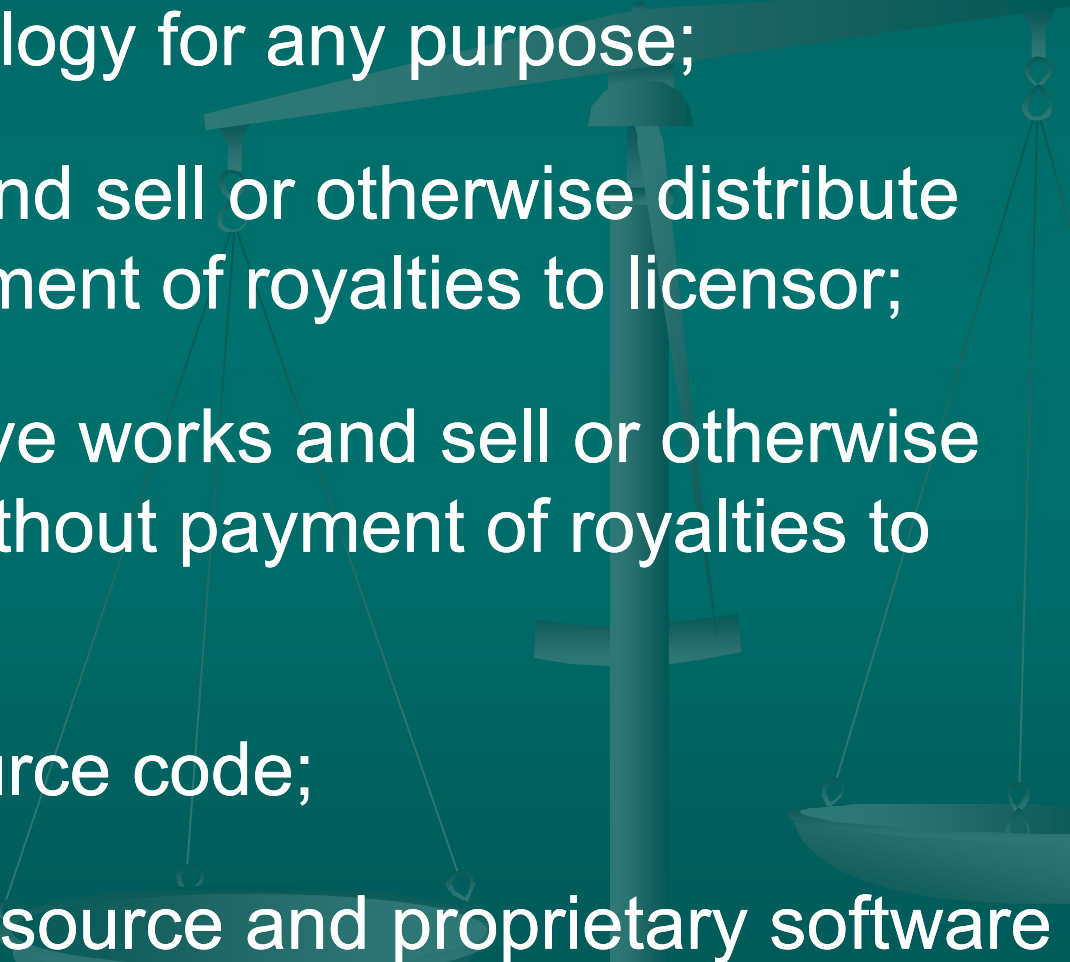
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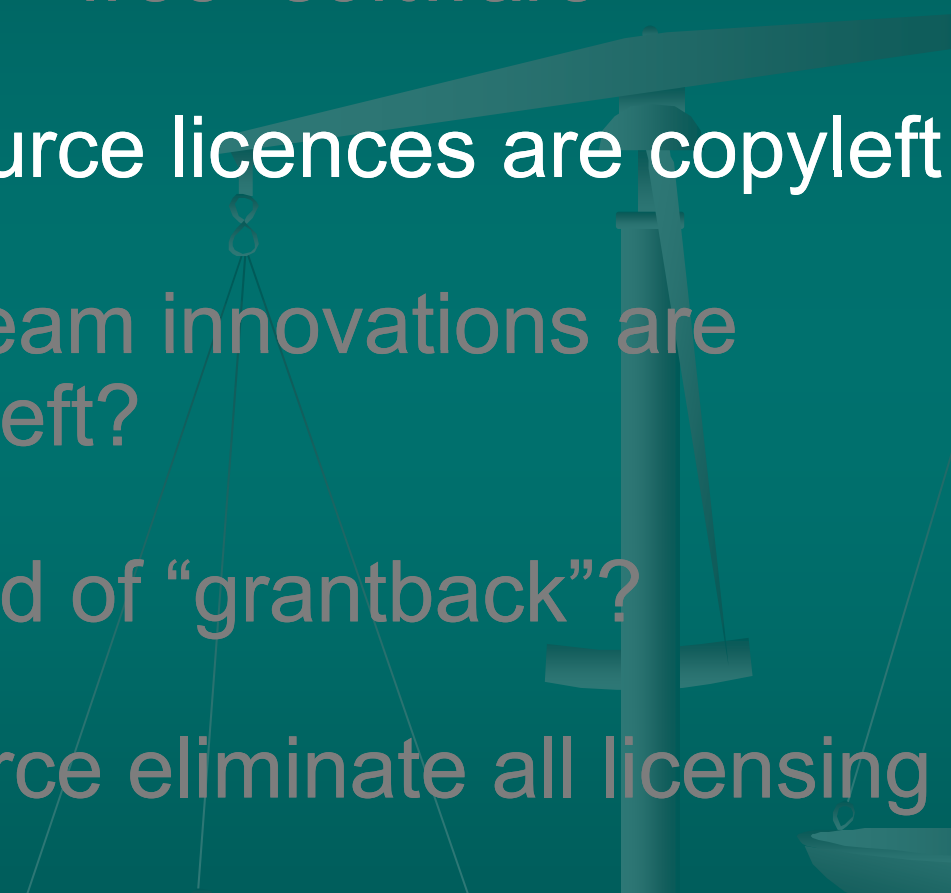
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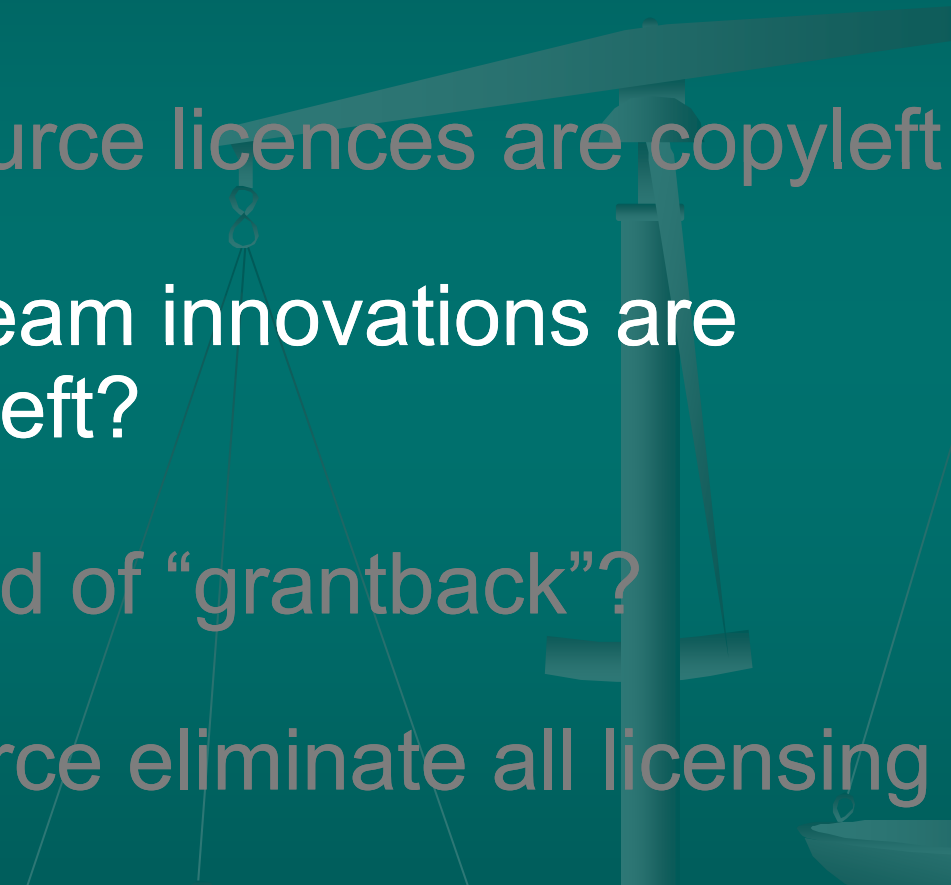
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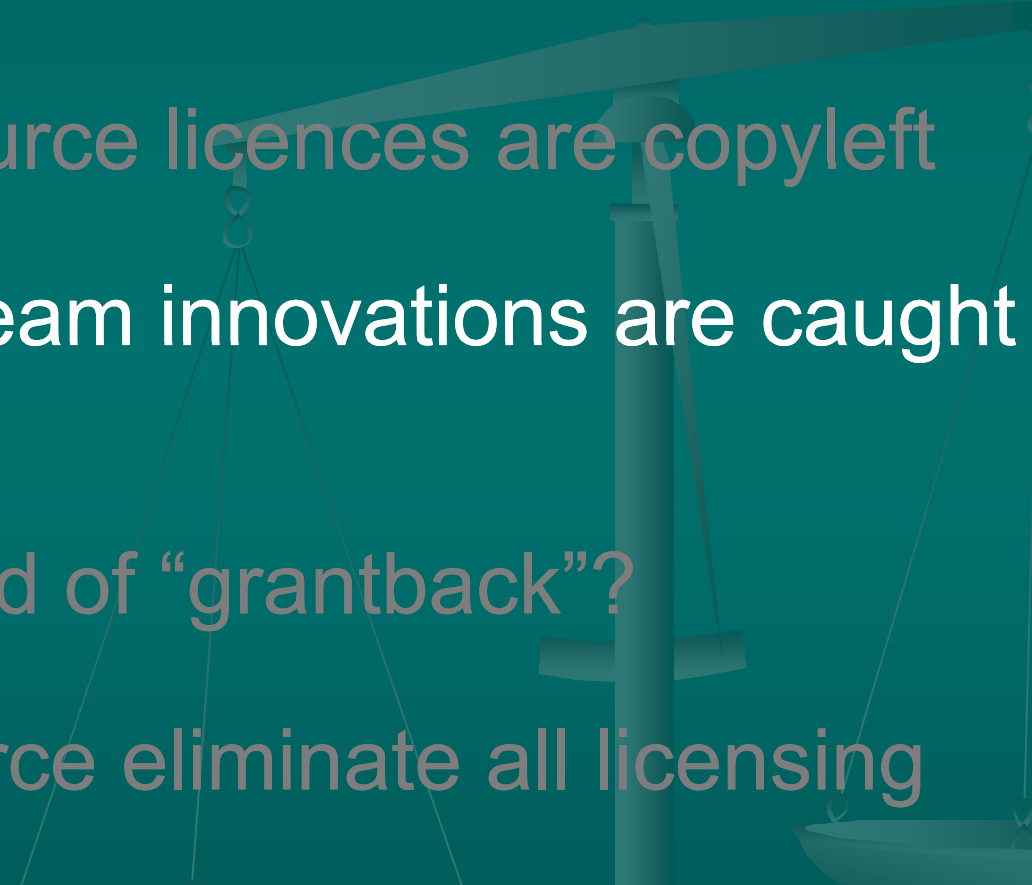
The copyleft “hook”



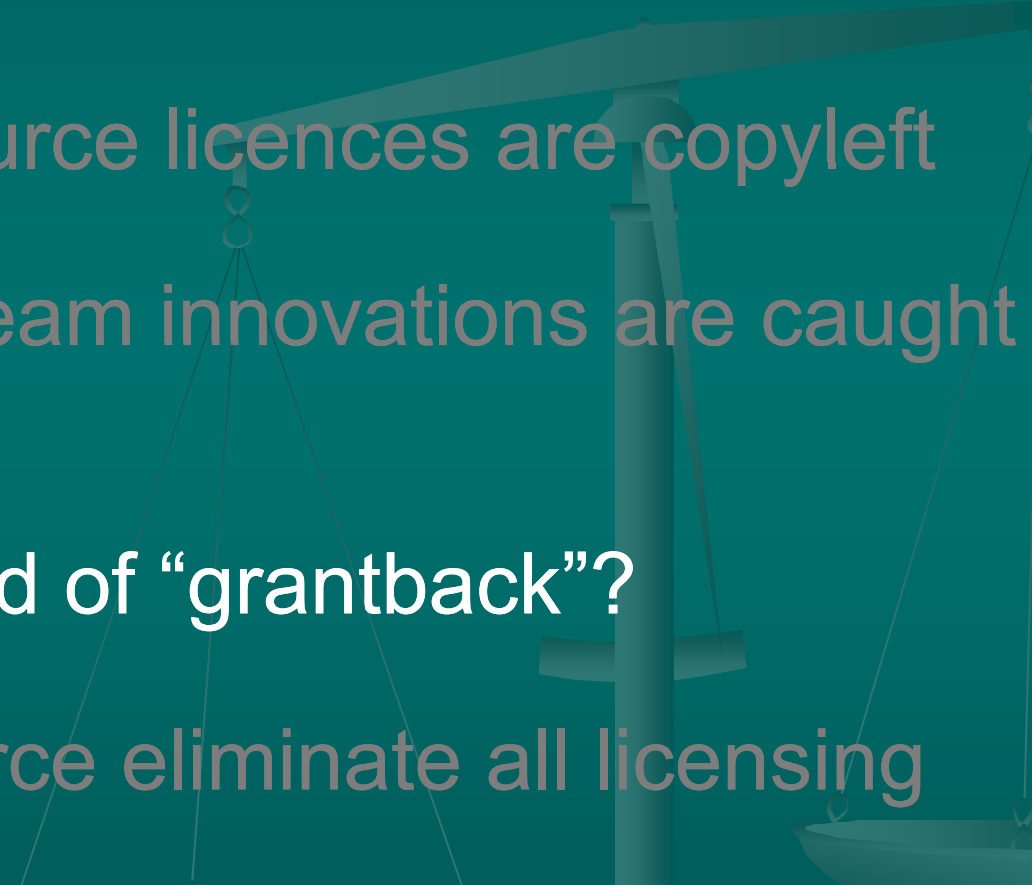
To be caught by copyleft, downstream innovations must:

- Be deployed *outside* the boundaries of the licensee’s own organisation;
- Fall within the relevant definition in a specific copyleft licence.

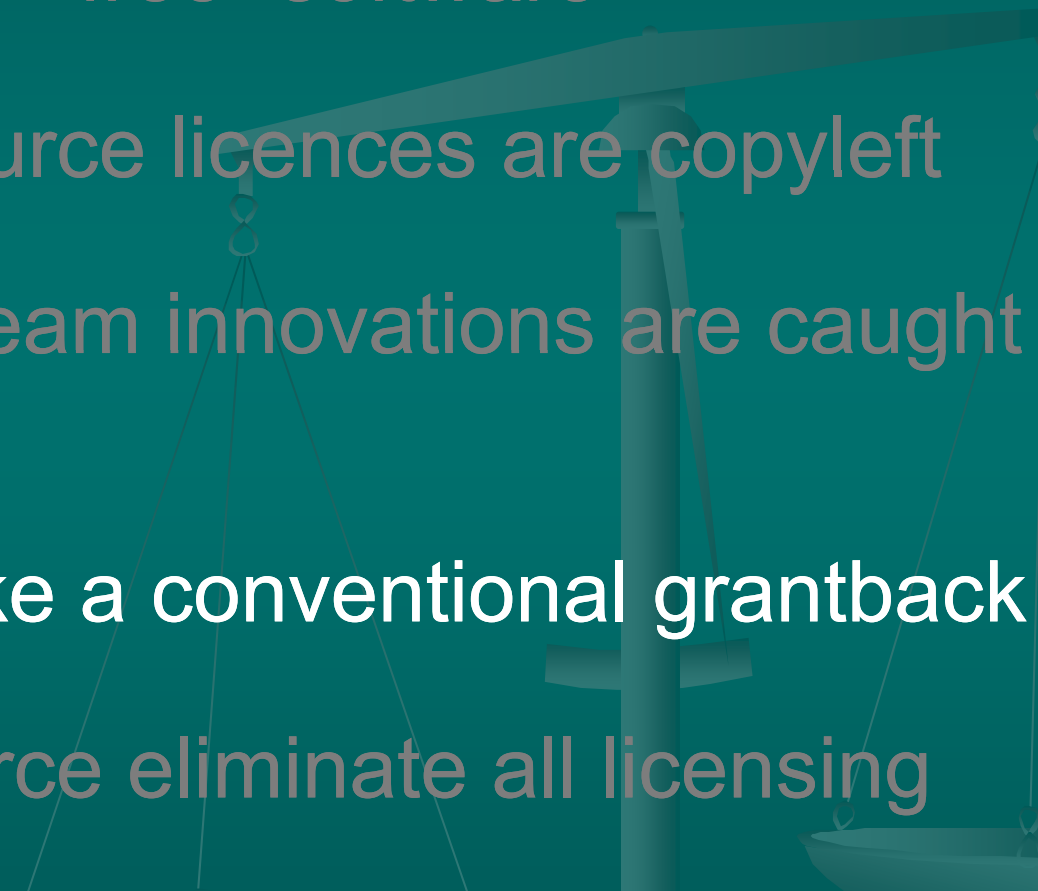
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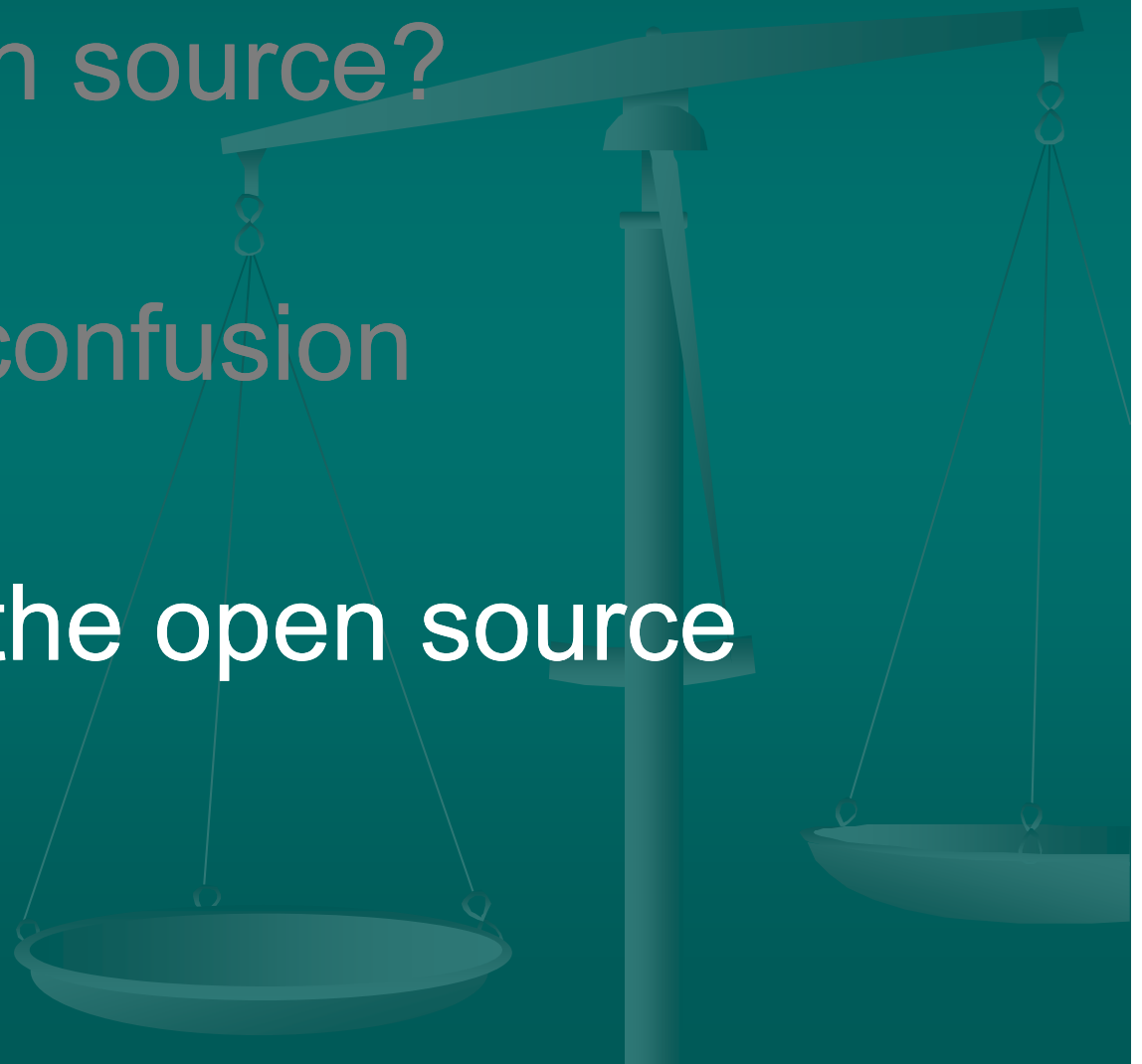
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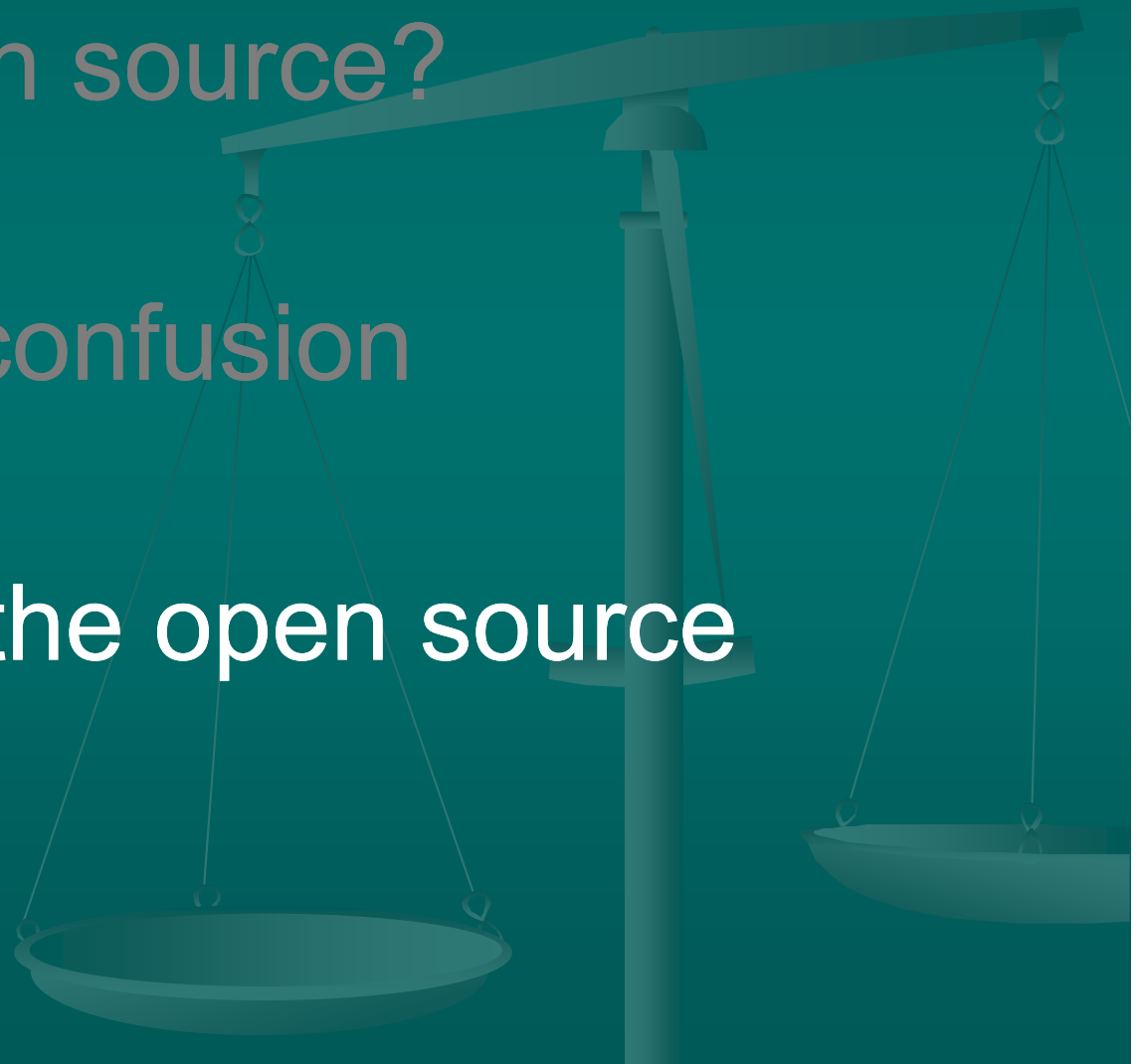
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- Credible commitment
- Competition
- Copyleft



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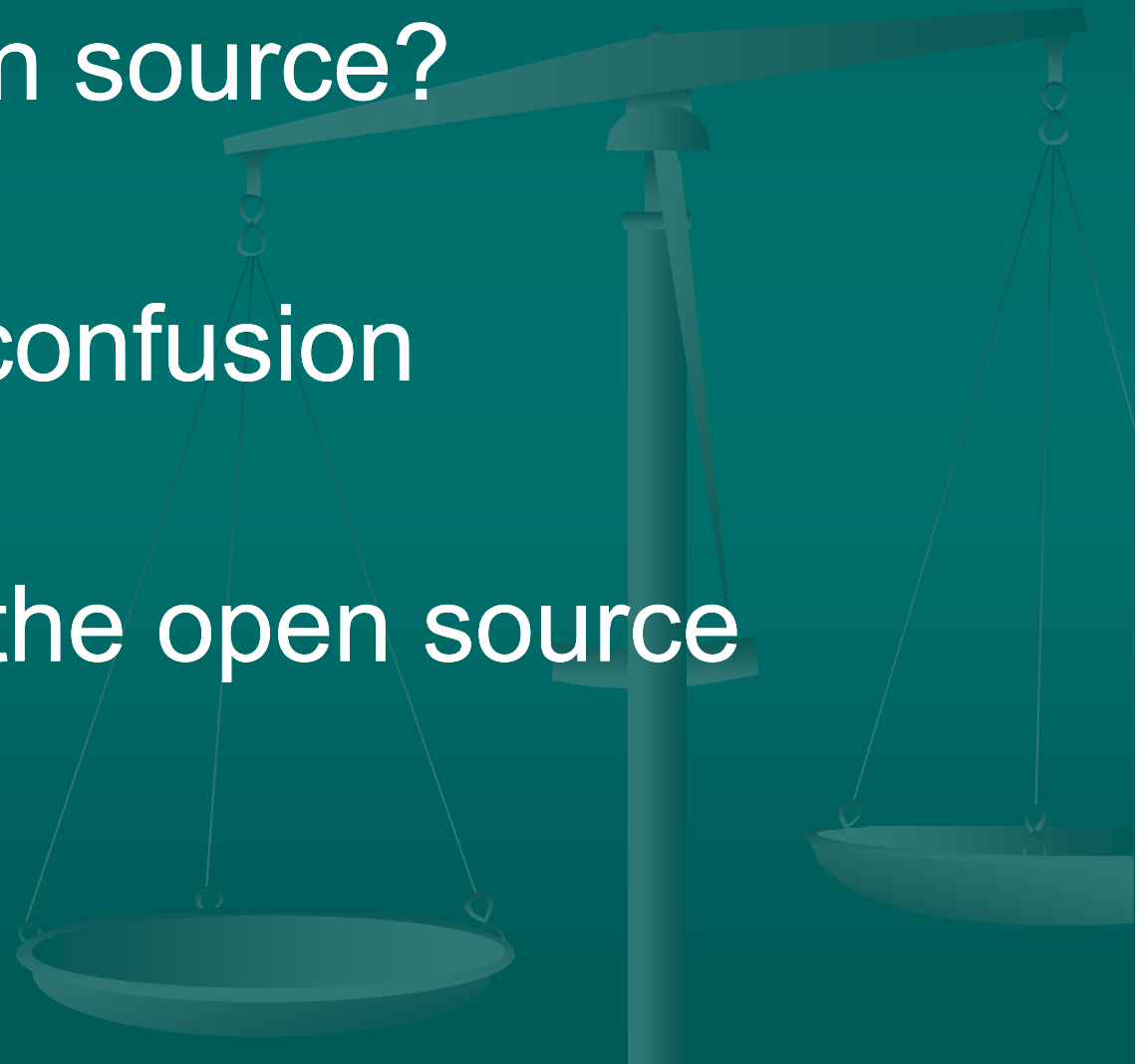
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Thank you.

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biotechnology, please visit
<http://rsss.anu.edu.au/~janeth>**

or read

Hope, J. 2008.

***Biobazaar: The Open Source
Revolution and Biotechnology.*
Harvard University Press.**