

Editorial

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Abstract

Editorial for Issue 2, Volume 5

Keywords

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Welcome to Issue 2 Volume 5 of IFOSSLR.

As with previous issues of IFOSSLR, this issue covers variety of FOSS subjects, showing the diversity of the “open”/“free” paradigm and our collective desire to analyse and address the issues raised by our eclectic mix of activities. “Core” FOSS legal subjects such as licence terms are covered, but other articles here also illustrate that, whilst there has been an encouraging take-up of FOSS in many countries, significant barriers continue to hinder the adoption of FOSS – and the broader open/free “movement”. These articles demonstrate that there are a range of ways and means to overcome these barriers.

One of the world’s largest, most populous, countries, China is a place where organisations from across the world send the details of their closely guarded intellectual property rights, to be turned into products for worldwide sale. Despite this, the country is closely associated with IP rights infringement. Whilst continuing to thrive on developing products based upon licensed, “closed”, intellectual property rights, China’s policymakers are turning their attention to open source, for example with the Bureau of Culture installing Red Flag Linux in internet cafés. Given these factors, those of us interested in intellectual property and FOSS could do with understanding China better. We are therefore grateful to James Saxton for his informative article on the interaction between FOSS licenses and China’s developing stance on intellectual property laws and standards. Could FOSS and FOSS licensing present a powerful opportunity for China’s leaders to both show their respect for intellectual property laws and enhance their economy at the same time?

Another country getting to grips with FOSS at a policy-level is Turkey. Hüseyin Tolu’s article explores the FOSS issues faced by Turkey with great insight. Similar to Red Flag Linux in China, policymakers in Turkey supported the development of Pardus, a Linux distribution. Pardus Linux has now been in distribution for 10 years and there are two separate distros. One Turkish public body solely uses FOSS. As well as these developments, the Turkish government-backed E-Transformation Program has issued guidelines directing Turkish public bodies to favour the use of FOSS. Despite all

of this, Tolu makes it clear that FOSS remains a defiantly minority interest in Turkey. Why is this?

On a related note, readers may be aware of the adoption of FOSS in Europe by various public bodies. Gijs Hillenius delves into this in an article that sweeps across the EU, providing clarity about the level of FOSS adoption by public bodies in a range of countries, as well as considering central institutions such as the European Commission, and how FOSS-friendly their policies are. Like Tolu's article, Gijs Hillenius does not shy away from practicalities such as vendor lock-in and persuading users of the benefits of moving from familiar "closed" interfaces and formats to the open but unfamiliar. Hillenius' and Tolu's articles will be of significant interest to both policymakers and those seeking to influence organisations about FOSS, as well as those interested in public procurement laws.

The European Commission has gone several steps beyond being simply FOSS-friendly. In January 2007, it launched the European Union Public Licence (EURL), a licence drafted to not only give software freedoms, but also to address the needs of public bodies across the EU, such as having legal instruments that work in all official EU languages. Patrice-Emmanuel Schmitz' article discusses this licence, its origins, present and possible future. In a FOSS-world of continuing licence proliferation and compatibility issues, Schmitz observes that the EURL offers us a compromise between copyleft and licence interoperability. Schmitz' article gives us a greater understanding of this licence, and what the future may hold for it.

One barrier facing many (theoretically) FOSS-friendly organisations is identifying licences applicable to software components. If it takes a team of developers and lawyers to achieve this for each FOSS package, then the use of FOSS becomes a resource issue. The Software Package Data Exchange® (SPDX) project aims to reduce this barrier. The Linux Foundation announced the launch of SPDX to the legal community in IFOSSLR in 2010, and so many readers will be familiar with it. In this issue, we are brought up to date by Jilayne Lovejoy, Phil Oden and Scott Lamons, all of whom have played significant roles in the development of SPDX. SPDX has much to offer for organisations looking to bring certainty, speed and clarity to their use and development of FOSS. We all have the opportunity to contribute to the on-going development of SPDX, to make it as effective as possible for all our communities and organisations. We hope that you will join the SPDX community and aid its development.

Whilst project names may at first seem to be a less weighty issue than those discussed above, the name of a FOSS project can have a major impact on its success. Many well-known FOSS projects are not known simply for the quality of their code, but also because they use strong, recognisable, names. "Firefox" is a good example, as is "Linux" itself; the Linux Foundation even has its own trade mark licensing and enforcement body. Whilst the FOSS world may have some strong trade marks, the structure of many FOSS projects can raise potential issues when those projects wish to protect or enforce "their" trade mark. In "Who owns the project name?", Pamela Chestek explores these issues as found under US law, and suggests various solutions. The article will be extremely useful to all those who run FOSS projects.

In previous issues of IFOSSLR, we have seen analysis and opinion on aspects of the broader "open" movement, such as open standards. In this issue, Kari Kärkkäinen reviews "Thoughts on Open Innovation", a book edited by Shane Coughlan, one of the founding coordinators of IFOSSLR, and launched at the Digital Agenda Summit earlier this year. In the book, a selection of experts explore a range of "open" subjects, including the open innovation concept, open standards and the commercialisation of FOSS, and discuss practical examples. We commend readers to this review and, of course, the book itself, which is available to view and download free-of-charge (under an

appropriately open licence!)

About the author

Alex Newson is a solicitor at Experian and a member of the Editorial Committee of this law review.

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