

# Business Standard

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## Free speech, free software

Priyanka Joshi / New Delhi September 28, 2006

A Google search for "open source" will give you 1,660,000,000 results, a number that increases every day. This says something about the escalating popularity of open source as a software idea in the digital era. This should also give you a reason to read Open Source and the Law by Priti Suri and Associates.

The book begins with a clear definition of open source software (OSS)—programmes with "open" licences that give users the freedom to run the programme for any purpose, to study and modify the programme, and to redistribute copies of either the original or modified programme (without having to pay royalties to previous developers).

According to the Free Software Foundation website of Richard Stallman (patron saint of the open source movement), the philosophy of "free software" is simple. Think of "free" as in "free speech" and not as in "free beer". This sort of software stands in stark opposition to proprietary software, which is produced by organised groups of developers who hold the source code close to their chest and whose primary motivation is money.

This book is unflinchingly on the side of OSS, and canvasses support for the movement. In its view, in an era of increasing e-savviness among people at large, users of software ought to be treated as co-developers with a collective interest in improving—and de-bugging—what is for all practical purposes a public utility. All that the "closed" approach achieves is profit for the few on bug-ridden software for the many (it takes no guessing what this refers to).

But don't expect the world's programmers to go storming the old fort at Redmond that has its proprietary source code vaulted away for exclusive use. Microsoft has its share of loyalists, and software watchers are not at the edge of their seats in suspense over whether open or closed software will prevail: over \$12 billion in annual profits on sales of almost \$40 billion is proof enough that OSS is not exactly hurting the cause of guarded software.

Yet, such fat profits, not to mention Microsoft's industry dominance and its alleged arrogance in dictating industry standards, are reason enough for a motley crew of hackers, script kiddies and virus writers to try demolishing its success and everything it stands for. Open source programmers, one could argue, are actually the nicest of the Microsoft-bashers. They make arguments that merit attention.

In markets where the consumer is free to exercise choice, these arguments are finding listeners. As the book correctly claims, OSS has moved into the mainstream marketplace in recent years, and software buyers are glad to have open alternatives to Microsoft's "shrink-wrapped" products such as the Windows operating system, Office productivity suite and Explorer web browser in the Linux operating system, OpenOffice suite (formerly Sun's Star Office) and Mozilla's Firefox web browser. In the market for web server software, Apache, an OSS product, actually commands a 70 per cent share, followed by Microsoft at 20 per cent and Sun at 3 per cent. And Google, Yahoo and Amazon are among the famous websites that use OSS.

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Apart from the appeal of the open concept, the author examines total cost of ownership (TCO), which includes upkeep costs, as an important factor influencing purchase decisions. By and large, OSS is cheaper, in the analysis of the author, who is convinced of the wisdom of countries that have adopted OSS for low-cost rural development programmes.

So long as everyone is a do-gooder with a common interest in everyone's uplift, this works well. The trouble typically comes when disputes arise. While OSS is free, there exist independent OSS installation and service firms that charge fees. What about taxation issues? What about other legal entanglements and liabilities?


This book looks at these issues as well, and this gives it added relevance. Since India does not have an open source policy (unlike the UK and US, even South Africa and Venezuela), it is especially susceptible to legal wrangles over patents and copyrights among other issues. Then, there are issues of security that need to be addressed. Just how safe is OSS? Can it be easily misused for illegal purposes?

Interestingly, while the book is favourable to the idea of OSS, by highlighting the various lacunae in the software market, it also hopes to set into motion efforts from OSS programmers to safeguard it from criticism that could be considered valid. Free software, like free speech, brings with it a set of implicit responsibilities.

#### OPEN SOURCE AND THE LAW

Priiti Suri and Associates  
LexisNexis  
Price: Rs 750; Pages: 312

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