Software Eats the (Commons/Public Licensing) World (It Should!)

Mike Linksvayer (@mlinksva)

Linux Foundation Collaboration Summit

San Francisco

2013-04-16

i

(a trope)

“My theory is that we are in the middle of a dramatic and broad technological and economic shift in which software companies are poised to take over large swathes of the economy.”

Marc Andreessen

Why Software Is Eating The World

2011-08-20

(software freedom is pretty important!)

(and much more than “the economy” is at stake)

(a conjecture)

To the extent software is *not* eating the [knowledge] commons, they're dead and just don't know it yet

(rationale)

relative growth matters a *lot*

world liberation or remnant defense

proprietary always innovating

peak forms not predetermined, shift to ones amenable to commons creation

(...)

computation will be central to all of the next peaks

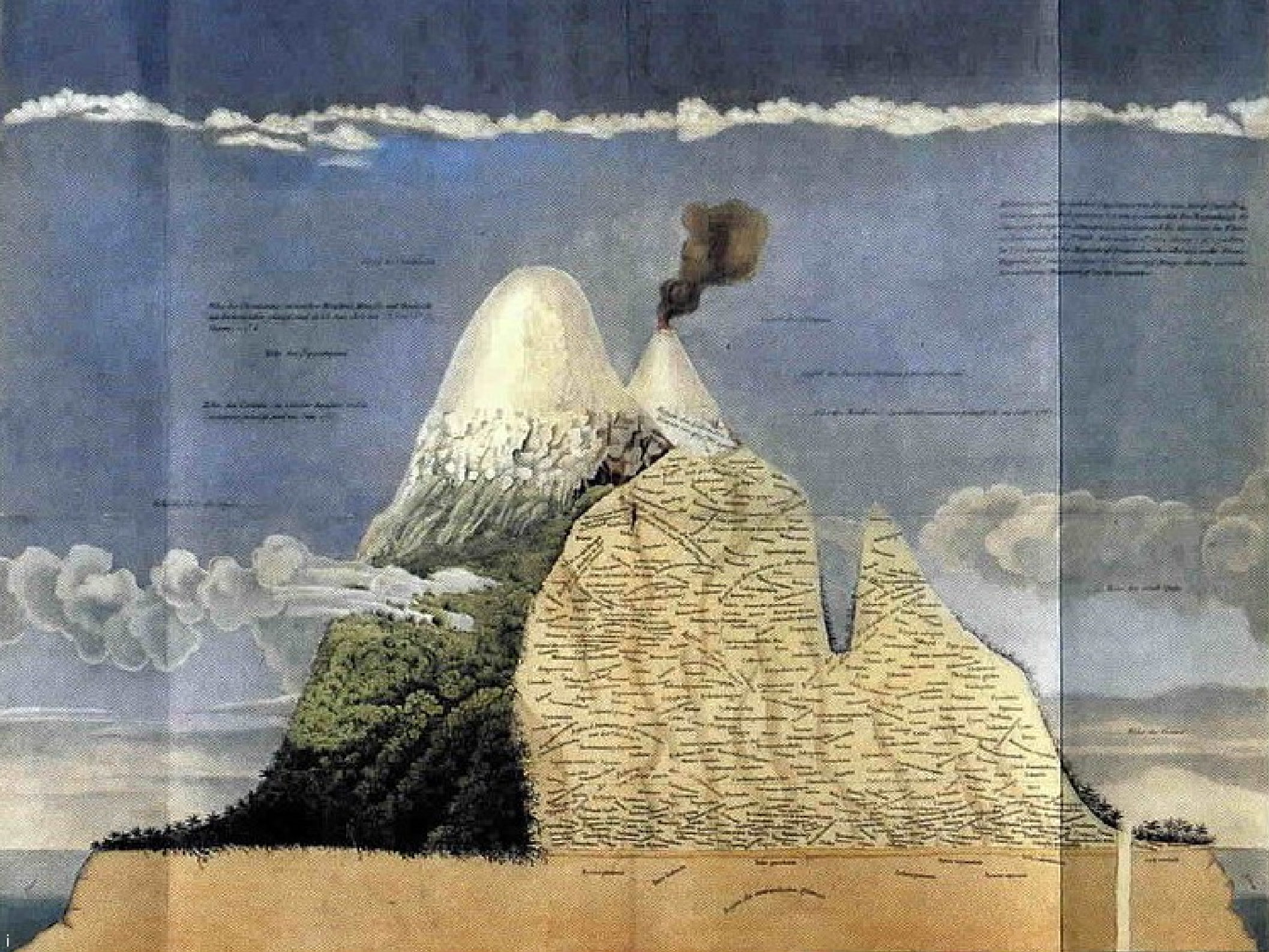
(floss required)

“free/libre” AND “open source” in all their stereotypical meanings

ethics

practice

software



(liberated via “product” competition)

wikipedia blew up the encyclopedia category; ridiculously better than anything previously by the name

lots of examples in software

little else

(liberation in progress via “policy” competition)

scientific publication

[“product” competition also plays an important role]

(an oversight*)

“The Internet has inspired multiple movements toward greater openness — most prominently, open access, open data, open science, and open educational resources.”

Michael W. Carroll, J.D.

Creative Commons and the Openness of Open Access

2013-02-28

*** In an otherwise excellent article**

(silos)

FLOSS

open access

open content

open data

open education

open hardware

...

(ignorance or apathy)

concerning FLOSS runs deep in open *

including of

- **community**
- **ethics**
- **policy**
- **practices**
- **software!**

(eg software seen as tangential)

Bruce D'Arcus • 3 days ago

Jason - when you say "What I learned was that my next project had to have open at its core, rather than just tacked onto the side," what do you mean by the term "open" here? Last I looked, PeerJ is based on proprietary code. If that's right, isn't your business model closer to Mendeley than this post suggests?

I'm not trolling; a serious question. I really want to see open access innovation in my field. But I'm not sure I see that happening without it being based on open source code, which then allows experiments on different sorts of business models for different fields (philosophy would seem rather different than biology, for example), and so forth.

1 ^ v • Reply • Share ›

Jason Hoyt ➔ Bruce D'Arcus • 3 days ago

Bruce -

1. Mendeley was in a tight spot using other publisher's material. We had to tread carefully with product development because of that. The proprietary nature of the Mendeley software wasn't blocking my ability to build new features, it was restrictions to the use of content. In contrast, PeerJ is an Open Access publisher, which means the content is freely available to all to remix and use under a CC-BY 3.0 license. This is what is meant by "open." I don't need to be worried about a publisher getting angry at me for distributing content and neither does anyone else.

2. PeerJ is already open sourcing our code frequently at https://github.com/PeerJ/ if you're interested. Then there is OJS and Annotum for other solutions to experimenting with publishing. That said, a lack of open source publishing options is not what is holding back Open Access, so I disagree there.

2 ^ v • Reply • Share ›

My thoughts on Mendeley/Elsevier & why I left to start PeerJ

2013-04-09

1337biz 1 day ago | link

I don't get it. It was absolutely clear that they were using a propiretory software owned by a for-profit company.

There a perfectly viable alternatives, Open Source and free to use e.g. Zotero et al.

reply

> mjn 1 day ago | link
>
> While true, it seemed like a fairly pro-openness company, which not only said the right things but seemed to have a lot of employees genuinely committed to improving the state of academic literature.
>
> But it does add another example of why we should be wary of even well-meaning for-profit companies, without some kind of more solid guarantee that they won't sell out in the future. For stuff like this, either a nonprofit foundation, or at least a forkable open-source version of the platform, seem like necessary prerequisites if you want to ensure that Elsevier-and-co can't buy it out. I guess a company 100%-owned by a strong open-culture advocate could be reliable also, but it gets more complex when investors are in the mix.
>
> Also a reason I don't trust academia.edu compared to, say, the arXiv.
>
> reply

Mendeley users revolt against Elsevier takeover

2013-04-09

noahdiewald

Wednesday, April 10 2013

This is the problem with relying on software as a service. To ensure openness you can't just put your faith in a single company, Mendeley, Google, whatever. We need distributed tools and open protocols. If all your data is on one company's servers you are vulnerable. It is reminiscent of the recent Google Reader controversy. If you're looking for solutions to the fundamental problem in such situations you need two things.

1. All the software needs to be open source (or at least have open versions available) so that it can't be "taken away" by a single company or individual.
2. Anyone should be able to install their own server and have that server and their client be able to talk to other servers/clients.

This is why email is so great.

Remember these abuses if you are a Dropbox, Facebook, Google or Twitter user. What happens when the company gets taken over by someone "evil" or the company simply decides that profits trump its "products" i.e. you.

Reply Share

The Empire acquires the rebel alliance: Mendeley users revolt against Elsevier takeover

(eg copyleft = *blank stares*)

glynmoody
Licence restrictions: A fool's errand - http://bit.ly/10kfCNb good defence of #cc-by #openaccess

about 15 days ago from web at London, England, United Kingdom

csolisr
@glynmoody And what about share-alike?

about 15 days ago from mustard.mod at Cantón de Santa Ana, Provincia de San José, Costa Rica

mlinksva
@csolisr whatever its value in theory, copyleft advocates have utterly failed to communicate across whatever divide exists to OA.

about 15 days ago from web at South Berkeley, Berkeley, California, United States

cwebber
@mlinksva I'm convinced you're right on that one.

about 15 days ago from web at Madison, Wisconsin, United States

trc
@cwebber I feel the same about @mlinksva.

about 14 days ago from web

mlinksva
@csolisr BTW one of the "stylized facts" I'll talk about at http://collaborationsummit2013.sched.org/event/9e7eac36c4aa839f60a0cd5890b2630d

about 15 days ago from web at South Berkeley, Berkeley, California, United States

csolisr
@mlinksva Remember to upload your presentation! I'd like to check it myself.

about 14 days ago from web at Cantón de Santa Ana, Provincia de San José, Costa Rica

2013-03-28

License	Journals	%
CC-BY (Attribution)	1468	51%
CC-BY-SA (Attribution-ShareAlike)	40	1%
CC-BY-ND (Attribution-NoDerivatives)	36	1%
CC-BY-NC (Attribution-NonCommercial)	572	20%
CC-BY-NC-SA (Attribution-NonCommercial-ShareAlike)	205	7%
CC-BY-NC-ND (Attribution-NonCommercial-NoDerivatives)	555	19%

Directory of Open Access Journals

[note majority are gratis, no license at all; OA started as "post-open source"]

2013-04-03

(OA people really smart … situation worse elsewhere in many ways)

(overall harm)

lack of scale

lack of network effects

each silo a dwarfish form

(knowledge harm)

too much reinvention

too little copying

too much ignorance

(ethics harm)

[software] freedom not transmitted

not critiqued and strengthened

therefore rotting in obscurity

(ruinous failure harm)

DRM

monopoly abets monopoly

(policy harm)

no coordination except on rearguard action

no vision for potency of commons building

constrained to personal ethics and domain-specific lobbying

(license harm)

incompatibility by rule and expectation

acceptance of non-free

[and all previously mentioned harms, applied specifically to licenses]

(it’s FLOSS fault!*)

*** Admittedly ungenerous. FLOSS is visionary; I just wish it were moreso.**

(abdication of other domains)

licenses

advocacy

(pollution of other domains)

licenses

advocacy

(communications failure)

(lack of policy vision)

(result)

pre-creative commons license mess

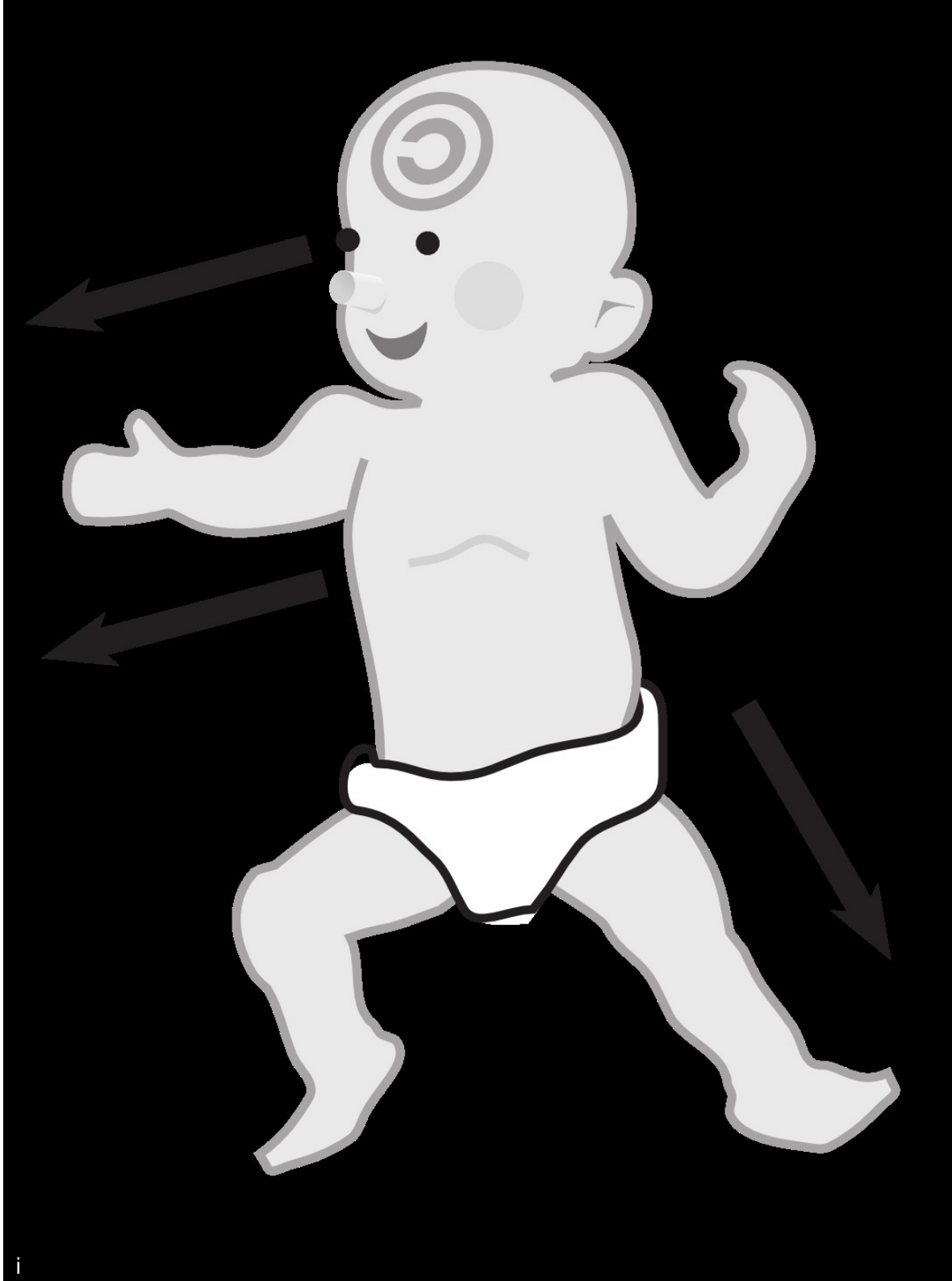
creative commons license suboptimal apparent order

and see previous harms

Anti-Copyright License, Comic Book Public License, Design Science License, Distributed Encyclopedia General Public License, EFF Open Audio License, Electrohippie Collective's Ethical Open Documentation License, Ethymonics Free Music License, Free Art License, Free Media License, Free Music Public License, GNU Free Documentation License, No Type License, OpenBits License, Open Content License, Open Directory License, the Open Music licenses, Open Publication License, Open Source Music License, Public Library of Science Open Access License, QING Public Licnese, Phy-d'eau — License of Intention for Liberty in Expression and Creativity

(licenses)

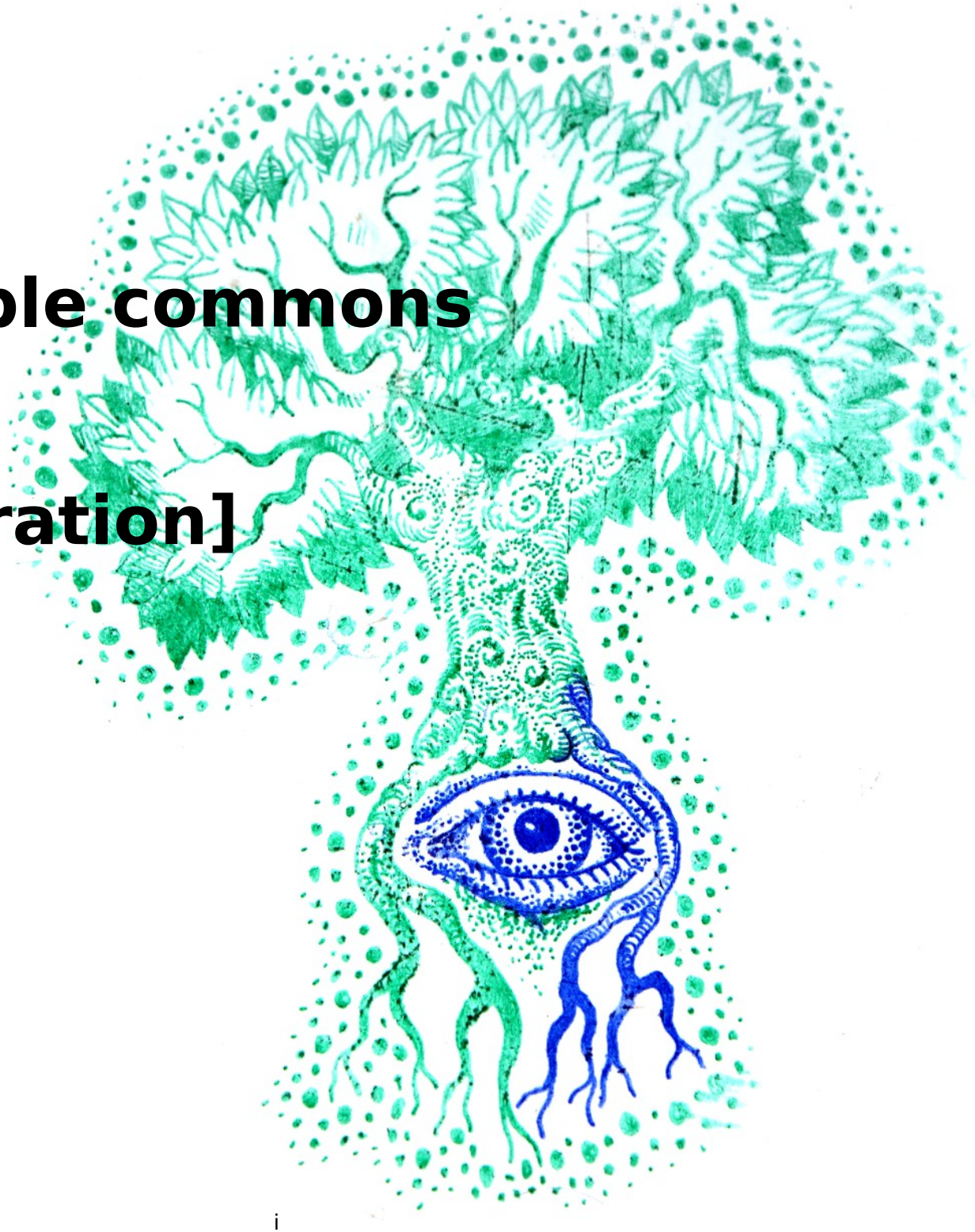
only small part of problem, but due to totemic status, a barrier and potential lever



(long term)

one interoperable commons

[and world liberation]



(short term)

opportunities, trends...

(CC-BY-SA-4.0)

hopefully one-way GPLv3+ compatible

[and other compatibility improvements]

(improve public domain instruments)

(software-centric licenses, new/versioned)

(simple more inclusive language changes (e.g., software > work))

European Union Public Licence
v. 1.~~1~~2

EUPL © the European ~~Community~~ Union 2007, 2012

This European Union Public Licence (the "EUPL") applies to the Work ~~or Software~~ (as defined below) which is provided under the terms of this Licence. Any use of the Work, other than as authorised under this Licence is prohibited (to the extent such use is covered by a right of the copyright holder of the Work).

The Original Work is provided under the terms of this Licence when the Licensor (as defined below) has placed the following notice immediately following the copyright notice for the Original Work:

Licensed under the EUPL ~~v.1.1~~

or has expressed by any other means his willingness to license under the EUPL.

1. Definitions

In this Licence, the following terms have the following meaning:

- *The Licence*: this Licence.

- *The Original Work*: ~~*or the Software:*~~ the work or software distributed and/or communicated by the Licensor under this Licence, available as Source Code and also as Executable Code as the case may be.

(allow referring to copy of license)

copyleft-next 0.2.1 ("this License")
Release date: 2013-03-12

1. License Grants

   Subject to the terms of this License, I grant You:

   a) A non-exclusive, worldwide, perpetual, royalty-free, irrevocable
      copyright license, to reproduce, Distribute, prepare derivative works
      of, publicly perform and publicly display My Work.

   b) A non-exclusive, worldwide, perpetual, royalty-free, irrevocable
      patent license under Licensed Patents to make, have made, use, sell,
      offer for sale, and import Covered Works.

   This License does not grant any rights in My name, trademarks, service
   marks, or logos.

2. Nullification of Copyleft/Proprietary Dual Licensing

   If I offer to license, for a fee, a Covered Work under terms other than
   a license approved by the Open Source Initiative, a license classified
   as 'free' by the Free Software Foundation, or a numbered version of
   copyleft-next released by the Copyleft-Next Project, then sections 3
   through 6 of this License cease to apply to My Work.

3. Distribution: General Conditions

   You may Distribute Covered Works, provided that You (i) inform
   recipients how they can obtain a copy of this License; (ii) satisfy the
   applicable conditions of sections 4 through 7; and (iii) preserve all
   Legal Notices contained in My Work (to the extent they remain
   pertinent). "Legal Notices" means copyright notices, license notices,
   license texts, and author attributions, but does not include logos,
   other graphical images, trademarks or trademark legends.

(address all default restrictions)

"This License" refers to version 3 of the GNU General Public License.

"Copyright" also means copyright-like laws that apply to other kinds of works, such as semiconductor masks.

i

1. Copyright and Related Rights. A Work made available under CC0 may be protected by copyright and related or neighboring rights ("Copyright and Related Rights"). Copyright and Related Rights include, but are not limited to, the following:

i. the right to reproduce, adapt, distribute, perform, display, communicate, and translate a Work;
ii. moral rights retained by the original author(s) and/or performer(s);
iii. publicity and privacy rights pertaining to a person's image or likeness depicted in a Work;
iv. rights protecting against unfair competition in regards to a Work, subject to the limitations in paragraph 4(a), below;
v. rights protecting the extraction, dissemination, use and reuse of data in a Work;
vi. database rights (such as those arising under Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases, and under any national implementation thereof, including any amended or successor version of such directive); and
vii. other similar, equivalent or corresponding rights throughout the world based on applicable law or treaty, and any national implementations thereof.

i

(talk to other communities, eg hardware design)

Proposed License - Hacked Apache 2.0

Ad

Andrew Katz — Wed 07 Mar 2012 05:27:02 AM PST

Dear All

Sorry for launching myself into the list like this, but hello, everybody!

Here's a link to a licence I've been working on and I'd like to propose as a conformant licence. It's intended for open hardware, but can equally be used for software (the eagle-eyed will note that it bears an uncanny resemblance to the Apache 2.0 license).

http://solderpad.org/licenses/SHL-0.5/

The backstory is this: I've been working with a number of open hardware projects, and I'm slowly coming to the conclusion that a permissive licence makes more sense than a copyleft licence. The only two licences currently proposed for covering open hardware are the TAPR and CERN licences, both of which have a copyleft element. I posited the idea of using Apache as a base, and taking a look at it, it is remarkably simple to convert it to cover hardware.

[I’m fairly critical of this particular proposal, but contains some good pointers, see http://web.archiveorange.com/archive/v/EfptdcGQLun4lRPG95vz]

(reformation)
is here-coming: be crushed or leverage
translate and justify forced sharing (copyleft) as policy
knowledge commoners of all domains are needed

(imagine a world in which FLOSS and Wikipedia are not unusual)

where mass collaboration obtains...

disruptive innovation

superior “product”

greater equality

greater freedom

...in all of the most crucial human enterprises

links: con**vey** yo**ur**self to

gondwanaland.com/mlog

@mlinksva

Unless stated otherwise, everything by me, Mike Linksvayer, published anywhere, including these slides, is hereby placed in the public domain.

PUBLIC DOMAIN