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Samba developer fears free trade agreement will lead to 'patent war'

Will increase US vendors' control over software interoperability, Tridgell says

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One of Australia's most recognised Linux developers, Andrew Tridgell, has attacked the proposed Australia-US Free Trade Agreement (FTA), claiming it could pit local open source developers against Microsoft in a "patent war".

Representing Linux Australia, Tridgell joined trade union, social services, health and arts representatives at a press conference to call on the Australian Senate to block the impending legislation.

The groups will send a signed statement that calls for the rejection of the FTA to federal parliamentarians.

Tridgell has earned international recognition in the IT industry for his development of Samba, an open source network file system.

He says Australian open-source users should fear the FTA as it increased US vendors' control over software's interoperability.

"Linux needs to work with other systems. At the moment, people don't consider Linux because it won't interoperate.

"The FTA provides a mechanism to lock out other software from working with a commercial program."

This mechanism was available via "draconian" laws like the US Digital Millennium Copyright Act (DMCA), Tridgell says.

"The US has realised this," he says. "Look at the StorageTek case."

US vendor StorageTek uses algorithmic security in its tape libraries to protect copyrighted maintenance code, which is used to diagnose problems. In a preliminary ruling this month, a Boston court used the DMCA to find against a third party service company that tried to fix such a system for a StorageTek customer.

Critics of the decision argue it could hand vendors exclusive rights to service and support their machines.

"In Australia, we don't make the big equipment," Tridgell says. "We have to rely on after-market and servicing contracts for a large part of our industry.

"Linux is the foundation for growth of the Australian software industry. But the US has realised how to lock in the services side."

If the FTA was accepted, it would mean "anything is patentable", he says.

"The bizarre application of these laws is too litigious. We could be on the verge of a patent war between Microsoft and open-source users.

"Microsoft is well aware of the legal technologies and patents to stifle interoperability," Tridgell says, referring to the legal restrictions the vendor has placed on what platforms may run Windows Media Player.

Tridgell also referenced Russian programmer Dimitry Skylarov, who wrote software in Russia that legally modified Adobe documents for use by blind people. On a visit to the US in 2001, he was arrested under US law for his exploits.

Currently employed by IBM in open source research, Tridgell says his views were separate to those of the multinational heavyweight.

Earlier at the press conference, Australian Council of Trade Unions president Sharan Burrow expressed her concern for IT industry jobs as a result of the FTA.

"I share the concern of the open-source industry on the loss of its intellectual property," she says. "Why would you hand ... our IP to America gift-wrapped, without any return?"

The community organisations present on Wednesday included the ACTU, the Australian Council of Social Service and the Public Health Association of Australia.

The Senate inquiry report into the FTA is due for release on August 12.