From: Jeb Campbell
To: Microsoft ATR
Date: 12/9/01 8:59pm
Subject: Micosoft Settlement

The manner in which APIs would be revealed are limiting to Microsoft's main competitor: Free and Open Source Software ("Free" defined as "without restriction" not "free of cost").

This software is created largely by individuals in informal and generally noncommercial cooperation. This is a very significant movement, and provides great potential benefits for American consumers. I think that makes such Free and Open Source Software *the* essential beneficiary of the ruling against Microsoft. This case was not a question of whether businesses were harmed by the monopoly, but rather consumers. It is essential that this pro-consumer movement be helped by the settlement. Instead they speficially discriminated against by the settlement.

Under provisions to release the API of Microsoft products, Microsoft is given discretion as to who they will release information: namely, "viable businesses", with Microsoft being able to interpret that as they wish.

I am personally involved in many projects that have the potential to benefit consumers, but are not businesses of any sort, rather a conglomeration of individual developers. I would expect that these groups will be excluded under this settlement.

Instead of this model, APIs should be made fully public. Individuals, in some manner, should be able to ask questions of Microsoft regarding these APIs, and have them answered publically. If it seems too difficult to allow any individual to ask such a question, an electronic petition process could be used instead, as long as a group of individuals can have the same weight as a commercial organization.

It is essential that the API information be made public. If it is hindered by any sort of NDA it will be *absolutely useless* to Free/Open Source software projects. We have formed a legal and social structure where we do not have the ability to keep pieces of our code private. This process must be respected by the settlement, as it forms the most serious competition for Microsoft, and is of large benefit to consumers.

It is also essential that non-commercial groups of individuals be able to access API documentation, and have questions resolved by Microsoft. In general, it is dangerous to allow Microsoft to have discretion on any aspect of this manner, as they can use that to further punish their most stringent competitors as they have done so many times in the past.

It is also dangerous to allow them discretion on security issues. While it is acceptable that they be allowed a short, private period to resolve security issues before making them public, all aspects of their systems must be made public. It is all too easy to add security aspects to nearly any portion of a system. It is even potentially a good thing that they add security at many parts of their system. However, they should not need to be private about their security measures to ensure the effectiveness of that security. The Free/Open Source communities have created large amounts of software that is secure while being open. Microsoft should do the same. This process is completely possible, and has been demonstrated over and over for as long as computer security has existed.

Note: I did not write this, but it expresses my opinions well.
Original at
http://slashdot.org/article.pl?sid=01/12/09/2036224&mode=nested&threshold=2

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