

Re: Linux and Multimedia-->The Potential is there<<-- But.....

Source: <http://linux.derkeiler.com/Newsgroups/alt.os.linux/2004-12/1886.html>

From: The Ghost In The Machine (*ewill_at_sirius.athghost7038suus.net*)

Date: 12/31/04

Date: Fri, 31 Dec 2004 17:00:13 GMT

In comp.os.linux.advocacy, rapskat

<rapskat@yahoo.com>

wrote

on Thu, 30 Dec 2004 19:11:48 -0500

<pan.2004.12.31.00.11.44.215546@rapskat.com>:

> *Error log for Thu, 30 Dec 2004 15:20:44 +0000: Conor caused a Page Fault*

> *at address <MPG.1c3e2d26cf67f60b989a87@news.giganews.com>, details...*

>

>> *In article rapskat says...*

>>> *Error log for Wed, 29 Dec 2004 04:48:25 +0000: Conor caused a Page*

>>> *Fault at address <MPG.1c3c47733daa7bd2989a6d@news.giganews.com>, details...*

>>> *details...*

>>>

>>> > *In article rapskat says...*

>>> >> *Error log for Wed, 29 Dec 2004 03:02:11 +0000: Conor caused a Page*

>>> >> *Fault at address <MPG.1c3c2e91e3e3a75e989a4f@news.giganews.com>, details...*

>>> >> *details...*

>>> >>

>>> >> > *In article flatfish+++ says...*

>>> >> >

>>> >> >> *Yea sure.*

>>> >> >> *Maybe they can get around to writing a decent help system.*

>>> >> >> *Programs that actually work?*

>>> >> >> *Some decent plug-ins?*

>>> >> >>

>>> >> > *They have some decent plugins. Sadly they come in the w32codecs*

>>> >> > *package which has more than a little irony attached as well as a*

>>> >> > *huge dose of illegality.*

>>> >>

>>> >> *You know all about that, don't you? Since you run pirated software.*

>>> >>

>>> > *Proof?*

>>>

>>> *Prove you don't.*

>>>

>> *I don't need to. Under UK law its the accuser who has to provide proof.*

- >
- > *Sounds like you are pretty familiar with that. Been accused of alot of*
- > *things much?*
- >
- > *All of my software is 100% legal and legit, can you say the same? Are you*
- > *willing to submit your systems to an audit right now?*
- >

Software patents are going to make things *real* interesting in this space, unfortunately.

Here's what little I know about the situation.

Trade Secret: I'm not going to tell you.

Copyright: I'm going to tell you, but if you use it, all credit will have to go back to me for the original idea, and I can accuse you of stealing that idea.

Truly independent development, however, is fine.

Patent: I'm going to tell everyone, but, if you use it, or derive from it, or even independently generate the idea yourself, assuming that said independent generation wasn't prior to my discovery/development of this idea, I can accuse you of patent infringement.

Or something like that. :-) There's also different lifetimes.

Copyright is death + 70 years, if I'm not mistaken. Patents last all of 17, if that (a bit long for an industry which gets itself replaced every 3 years or so at the hardware level!). Trade secrets might last forever.

I should note that there are currently about 6 million patents. I don't know how many are active -- probably a few tens of thousands -- or how many are even relevant. Some of them are quite interesting, such as the (fortunately now-expired) claim on how to draw an XOR'ed cursor on a raster.

SCO, AIUI, is making claims using copyright law. Wild-assed, silly, and ultimately false claims. However, suppose Linux is using something to which Microsoft owns a patent? Prior art might save Linux (if one can find it in this new electronic world, where one can change 2005 to 1995 with but a few keystrokes), but if there's no prior art, someone's going to be very unhappy, and it probably won't be Microsoft. :-/

And Linux is at a disadvantage, for Microsoft can readily call up its source code, pore over it with a fine-toothed comb (and a squad of legal eagles), and then throw a suit on a judge's desk next Tuesday, with lots of details on alleged patent violations. (The judge, of course, would have to ultimately decide the truth of the allegations, after a long, protracted discovery process, trial, etc.)

Linus, were he willing (you'd have to ask him! :-)), or any other FOSS advocate, would first have to find some Microsoft source code to analyze. There might be a Russian or two willing to show him something that purports to be Microsoft source code but there's no way to know, short of going to Redmond and asking the receptionist some pointed questions and ultimately negotiating with ... somebody. I have no idea who. Meanwhile, furious scribbling will be going on somewhere in a back room to eradicate the violation.

Whoops. No violation found in the source code, waste of time on the FOSS advocate's part.

I suppose one could try to go through old backup CD's, tapes, or what not, but this is beginning to smell like a fishing expedition instead of anything useful, though the most current version of source code ideally would be available for persual, especially for technical support looking for potential bugs to formulate a response to the frustrated customers calling in.

The flip side of this, of course, is the "million eye" theory, which might actually work, though it's hard to tell since an awful lot of people are unwilling to take credit -- either because they're naturally modest ("aw shucks, t'warn't nothing; anybody who knows a lambda closure from a semaphore derivative could've done it") or because they don't want to face the repercussions from nasty types should the bug fix itself contain a bug. FOSS, therefore, probably contains a number of contributions that are (a) obvious, and (b) may never be properly credited to the individuals doing them.

No way for me to know -- but with Linux, the tear.c bug of yesterdecade was patched within hours of its emergence. Microsoft took about six weeks.

Welcome to 2005: the Year of the Weird. ;-)

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#191, ewill13@earthlink.net
It's still legal to go .sigless.