

Thursday, 29 April 2003

Submission - Senate Select Committee on the Free Trade Agreement – Australia and the USA
Concerns on Chapter 17

I am a user, developer and supporter of Open Source software, as an individual, in the community and the company that I work for. I have been making use of Open Source software and its development model for 15 years, and it has been essential in my education, skill development, and employment.

I support Copyright as an appropriate method for safeguarding the rights of software developers, and the distribution of software under licence, rather than Software Patents.

I do not support legislation used to legally enforce anti-copy-making protection mechanisms. Such legislation is useless at best, and on the whole detrimental to individuals and society:

- It cannot stop 'bit-for-bit' copies – the easiest copy making mechanism.
- Places restrictions on local innovation and development of interoperability solutions.
- Provides a mechanism which can be used to exploit the law for anti-competitive business strategies.

I am very concerned about the FTA, in particular Chapter 17, and the implications that it has for Australian Science and Technology.

Interoperability between commodity systems is one of the largest value-adding developments that technology companies can be involved in today. 'Making something work better' is one thing that Australians, Australian companies, and Australian Science are well known for (the other being, 'making something out of nothing'*).

When faced with owning items that don't work together the way that they should (whether that be stereo equipment, car parts or whatever) I may develop a technical solution, regardless of the original specification of these or additional items involved. I should be allowed to sell and distribute this know-how, helping other Australians do what they are currently legally entitled to do and more.

As an example, Australian and United States laws differ on the rights that end users have when dealing with purchased equipment and media. (These should be detailed in submissions from Linux Australia and others.)

- Under the current US law, if it were applicable to Australia, it would be illegal to make a DVD Movie purchased in the US, play on a laptop in Australia when it wasn't supplied with region 4 DVD software.

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* - or more precisely, 'a can, some wire, and a piece of string'