

To whom it may concern:

I wish to express my grave concern as to the damaging potential to the software industry potentially caused by DMCA-like provisions, copyright extensions and software patents.

The question to ask is do these foster local industry, and primarily small to medium sized companies, or do such laws, treaties and the like simply prop up existing monopolies that can otherwise no longer compete in today's economy - an economy where the barrier to entry is becoming very low, where an individual or small group can get out there and have a fair go.

I urge you to learn the lessons of the free (as in libre) software community - the potential service-based software industry that we are entering, one which inherently levels the playing field and gives a chance to "the little guy" - anyone with enough guts to get out there and do a good days work.

Would you put a spanner in Australia's entry into this new economy? Would you put us behind the 8-ball in this regard?

Software patents, copyrights on software of longer than a few years, and other such legally-granted monopolies can and do inhibit innovation within this new economic paradigm for the software industry. It is only the government and its laws that can stop this paradigm shift from occurring, and even then the best it can do is put Australia behind.

And now a little background on myself, to put my stated position into context:

I write to you as a professional in the Australian software industry, as well as a proud member of the global free (as in libre) software community.

I am both a technician (Java and C++ programmer) as well as a manager and executive, having served various positions since I entered the Sydney IT workforce in 1996.

I attained a Co-op Scholarship for the four year Business Information Technology BSc undergraduate degree program at the University of NSW.

I was a founding partner, lead programmer and systems architect for some 4 years at an Internet casino software development company, and recently became the software architect at another Internet gaming development company. I have been a high achiever for as much of my life as I can remember, and have no doubt I shall continue to be so.

A current project of mine, Debian Enterprise, is linked from my email signature, found at the end of this email. This project epitomises the core of the passion that I have within the software industry, not only for the innovation and technological advancements that we are now seeing born from within the free software community, but in the sheer personal expression of creativity that I find with software development. The potential for an IT services market within this context is simply awesome. We are on the verge of an amazing change in our industry, one that, as mentioned at the start of my email is seeing a levelling of the playing field, an openness and freeness and with the potential for anyone, any age, race, etc, to teach themselves the entire technology stack from hardware through operating systems and databases right up to graphical user interfaces and word processors.

Our children can do this. Our neighbors can do this. Anyone with a computer and a bit of spare time can do this - they can learn to the extent that they are capable.

This is simply awesome! It is completely unprecedented in the history of humanity!

To wrap up, I once again express my extreme concern for the issues we professionals within the IT industry are seeing today with the dangerous encroachment of software patent and copyright legislation.

These so-called "Intellectual Property" (a legal misnomer) laws are extending well beyond both the original intent and the current day practical outcomes for society.

There must be a balance between what society gives up in return for these legislative monopolies, and the supposed benefit that society gains from granting such monopolies. In the software world where the barrier to entry is so low, the grant of monopoly is in many if not all cases, simply a barrier to the learning and further expression of others.

The reason I say this with such certainty and strength is that the free software world today has produced an entire Operating System to rival Microsoft's "Windows" - it is the GNU/Linux operating system.

The GNU project (www.gnu.org) set out 20 years ago with the specific goal of creating an entirely free operating system, one modelled on the Unix operating system.

Today that goal has been well and truly achieved.

The problems arise when the term of such monopolies lies well beyond the useful life of that which is created. In the computer software world, that life is very much shorter than in traditional "media" - in the order of a few years at most.

It is beyond any shadow of a doubt that, in the world of software and software development, that the monopolies so granted, due to their relatively huge duration, merely prohibit innovation.

There is a simple explanation for this too - the cost of resources (computing power) is asymptotically approaching zero, while the computing power available is exponentially growing ("Moore's law"). This makes the barrier to entry so low that anyone (at least in our western society) can become a computer programmer for very little cost (just the up front purchase of a computer, and thereafter, electricity to run it).

Therefore the maximum utility to society as a whole is maximized when this entry cost, and the cost to learning, and the cost to extending and building on the work of others, are all kept to the practical minimum - in other words, there are no artificial barriers to such entry.

Essentially, the periods of monopolies granted, if granted at all for software, must be extremely short if they are to benefit society as a whole, rather than simply prop up existing monopolistic companies and old-school business practices that cannot otherwise compete in this buzzword-compliant "new world digital economy".

Thank you for your time, I am happy to answer any further questions you may have.

Sincerely

Zenaan Harkness