23 July 2007

Re: Reference catalogue of recommended and mandatory IT-standards for public organizations and businesses

Dear Sir or Madam,

I am writing on behalf of the Business Software Alliance in response to the public consultation on the Standardization Council's first version of a reference catalogue for mandatory and recommended standards in the public sector.

BSA's members are engaged in a wide variety of standards-related initiatives worldwide and are both developers and users of numerous technology standards. We thus believe we can make a valuable contribution to ongoing discussions on the catalogue.

BSA strongly supports the objectives behind the catalogue — to improve the quality and availability of eGovernment services in Norway. Our members also agree that standards, including open standards, can help to achieve these objectives. That said, we question whether the approach endorsed by the catalogue— i.e. mandating the use of a limited number of specific standards — is the optimal one.

In BSA's experience, policies that mandate particular standards can have unanticipated consequences, including freezing innovation, undermining competition in the technology sector and limiting a government's ability to procure the technology best suited to its needs. For this reason, BSA has long supported a technology neutral approach to IT policy. We also believe that the best standards result from standardisation that is voluntary and industry-led. These approaches drive technology providers to compete to provide the most innovative technologies — which serves the interests of users across Norway.

BSA also has substantial concerns about the catalogue's exclusive focus on and definition of the term "open standard", which we believe is unnecessarily restrictive. For example, the requirement that the intellectual property related to the standard be made irrevocably available on a royalty free basis is inconsistent with the policies of most recognised standards bodies — including ETSI, ECMA International, CEN, IEEE, ISO, IEC, IETF and the ITU, all of which permit standardisation of technologies that include innovations subject to patents so long as the patent owner agrees to license the patent to implementers of the standard on reasonable and non-discriminatory ("RAND") terms.

Were the Norwegian Government to adopt the catalogue's exclusive focus on and narrow definition of open standard, it might find itself significantly restricted in its ability to procure IT products that implement widely used standards. Indeed, stakeholders expressed these exact concerns to the EU's IDABC, which had proposed a similar definition in its European Interoperability Framework (EIF). It is thus no surprise that the EU is now revisiting the EIF.

Ultimately, we believe that standards policies should be built on a solid, pragmatic foundation promoting – rather than excluding – voluntary industry-led open specifications, reflecting current technical and market realities as well as the practices of both major international standards bodies and of industry. It is our experience that in this way, governments can best foster their goals of enhancing innovation, interoperability and competition.

We appreciate your attention to our views and look forward to discussing these issues with you further.

Yours sincerely,

Benoît Müller
Director, Software Policy, Europe

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