

## Mozilla becomes Open Invention Network licensee

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Mozilla has joined the Open Invention Network (OIN) as a licensee. The unsurprising move reflects Mozilla's long-standing commitment to open source software and support for the Linux platform. It's also yet another high-profile endorsement of the OIN's approach to open intellectual property licensing.

The OIN was founded in 2005 by a group of large technology companies that rely on Linux for key aspects of their business. In order to protect Linux from patent litigation, they assembled a pool of extremely broad patents that cover a wide range of essential technologies. In the event that a patent lawsuit is launched against core pieces of the Linux kernel or platform stack, the OIN could theoretically retaliate by filing a patent suit of its own against the aggressor. The defensive advantage of this patent pool is that it can deter litigation and provide the Linux ecosystem with leverage to negotiate a favorable cross-licensing agreement should it become necessary.

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Although the OIN's approach to patents has a lot of advantages, it also has a few holes. The threat of retaliatory litigation isn't likely to be effective against patent trolls, intellectual property holding companies that don't actually make products. Despite that limitation, free software advocates are increasingly endorsing the OIN's licensing model as the most practical path forward for mitigating software patent threats. At the LinuxCon event last month, Software Freedom Law Center founder Eben Moglen explained that the lack of success of patent reform efforts has necessitated broader adoption of collective patent defense efforts like OIN.

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OIN licensees receive royalty-free licenses for the OIN patents in exchange for committing to not assert their own patents against Linux or Linux users. Such a commitment is obviously not strictly needed from an organization like Mozilla—which is committed to the open Web and isn't in the business of filing patent lawsuits—but the company's participation is still significant.

In an entry on the official Mozilla blog, vice president and general counsel Harvey Anderson says that Mozilla intends to collaborate with OIN to explore new ways of protecting open source software. One idea cited in the blog entry is a defensive publishing program which would allow Mozilla contributors to document their innovations. Some of the sentiments in the blog entry echo the opinions that Moglen expressed in his speech last month.

"This doesn't mean we're suddenly enthused about patents in any way, but OIN is doing some good work," wrote Anderson. "I believe that any protections that they afford Mozilla are on the whole more positive, and outweigh reservations about the patent system."

It's worth noting that Mozilla's Firefox Web browser is a long-standing item in the list of software components that the OIN is committed to defending against litigation. This because the OIN views Firefox as an important part of the desktop Linux stack.