

SCO v (Linux && IBM)



Thanks...

- Usenix for the invitation to speak and for caring about this issue.
- No Starch Press for covering my flight.



Who Am I

- Chris DiBona
- Co-Founder of Damage Studios (massively multiplayer online game development house)
- Former Slashdot Editor (chrisd)
- Co-Editor, Open Sources
- Tech-TV Linux F/OSS Commentator



How did I get involved

- I was happily ignoring the issue.
- This whole Panel thing... (more on that in a bit)
- Not my first legal thing...
 - DeCSS/New York DVD Trials
- Linus Volunteered me.



What am I here to talk about....

- SCO v IBM
- SCO v Linux
- SCO v All of us
- What should we do about it, if anything.
- This is a discussion, please interrupt me.



SCO v IBM

- 1 Billion Dollar Lawsuit
- Contract Lawsuit
 - According to SCO, not a patent or copyright lawsuit
 - But has IP implications



Was this a prelude to a acquisition?

- I've heard (non-authoritatively)
 - 30 Million to settle the lawsuit
 - 2 Billion to buy SCO
 - Again, non-authoritative sources on both.
- True or not, neither has happened



SCO v IBM (Cont...)

- Friday the 13th Deadline
- "IBM made concentrated efforts to improperly destroy the economic value of Unix, particularly Unix on Intel, to benefit IBM's new Linux services business," – SCO



How does IBM Feel?

"IBM believes that our contract with regard to AIX is irrevocable and perpetual and there is nothing further to discuss".



SCO v The World

"We believe that Linux infringes on our Unix intellectual property and other rights. We intend to aggressively protect and enforce these rights. Legal liability that may arise from the Linux development process may also rest with the end user. "

- Letter from SCO to 1500 businesses



SCO v The World

- Chilling effects of this kind of action.
- The recipients of this letter include the the global 1500, Red Hat, SuSE and Others.



SCO v Linus

- CEO McBride threatened Linus as Part of a CBS Marketwatch Interview. Said later it was pretty unlikely.
- I think it is fair to extrapolate that this can affect other kernel developers.



Novell vs SCO

- "To Novell's knowledge, the 1995 agreement governing SCO's purchase of Unix from Novell does not convey to SCO the associated copyrights."
- SCO Disagrees.



Why is SCO Doing this?

- Save this for Q&A...
- Is SCO Right
- Can SCO win?
- Is there a Microsoft Connection



What do we do about it...

- That's what I'm here to find out.



Committee to look at and compare code..

- Trusted people in the free software community to examine SCO's claims.
- Problem: NDA
- Is this the best thing for Linux or...
- Who should be on it



SCO's Sucker Game?

- Sign the NDA as currently written and two things can happen.
 - You become a prosecution witness
 - Or you are a Linux partisan who of course disagrees with SCO



Something that might help...

- Compare the codebases (and against BSD, for that matter) in toto and be able to talk about it.
- This would demand a more practical NDA.



Heading off Future Actions



Punishing SCO

- J'Accuse!
- Did SCO lift code? People inside sco say yes (anonymously), specifically noting that the Linux Kernel Personality was mostly one-liners exposing internal, identical interfaces to the outside....
- Sue em?
- And more....is punishing SCO necessary to stave off future actions.



The Problem with Solving the Problem.

- It doesn't make prior infringement go away.
- This is not the first or last time this will happen, but this is pretty severe.
- How far do we need to unroll Linux to do away with a possible infringement



What do we learn from this issue?

- Was Stallman right? Do we need to assign copyright to one person/organization to protect it.
- Do we need to audit all incoming code and get indemnification.
- Do we need to go “back in time” and get similar releases from everyone in the credits file?



An abstract graphic composed of several thick, overlapping green ribbons that form a complex, geometric shape resembling a stylized letter 'D' or a similar symbol. The ribbons are in various shades of green, from light to dark, and have a slight 3D effect with shadows.

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