

Computers, Freedom, & Privacy 2008

Law, Regulation, and **Software Licensing** for the Electronic Medical Record

Slouching Toward Open Innovation: Free and Open Source Software (FOSS) for Electronic Health Information

Friday, May 23, 2008; 9:00 – 10:30 a.m.

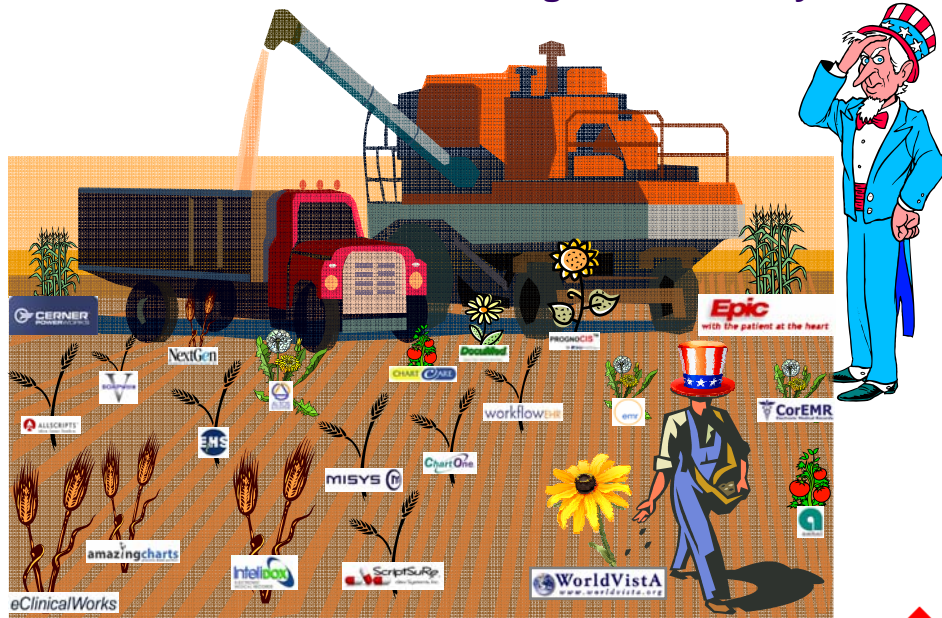


INSTITUTE FOR INTELLECTUAL PROPERTY & INFORMATION LAW
University of Houston Law Center
Houston, Texas 77204-6391

Greg R. Vetter

Associate Professor of Law, University of Houston Law Center (UHLC)
Co-Director - Institute for Intellectual Property & Information Law, UHLC
Office: (713) 743-3596 • Cell: (713) 213-0360
email: gvetter@uh.edu • web site: www.law.uh.edu/faculty/gvetter

Fertile Soil or FOSS-disfavoring? . . . and Why?



Software Markets

- Technological Attributes
 - preexisting technologies
 - hardware and software platforms
 - user requirements
 - business process demands
 - interoperability needs
 - availability needs
 - standards entanglement
 - licensing methods
- Technological complexity of attributes
- Interactions among attributes
- Dynamic evolution at quick rates



FOSS Markets and Motivation(s)

Free Software – not free beer –
computing self-determinism



Stallman

Open Software – good development



Torvalds



FOSS-Disfavoring Software Markets

- Low Technical Aptitude
- High Work Flow Differentiation
- Minimal Complementary Effects
- Dispassionate Computing Agendas
- Entrenched Proprietary Competitors
- Regulatory and Bureaucratic Pressures



Facilitators for FOSS-Disfavoring software markets

- Safe Harbors for Anti-Collaboration and Anti-Tinkering Law
- Licensing
 - Proprietary / FOSS Layering
 - Dual Licensing
 - Contractor Channeling
- Other Facilitators
 - Service Markets
 - Active Attributions
 - Subsidies

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