Open Tech. Frameworks

Ten practical lessons learned

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Lesson 1 — Enable the “me, me, me” for the “we, we, we”

“Most people are other people (so what’s your plan?)”

Enable people to more readily benefit each other (infrastructure)

David Grewal

https://en.wikipedia.org/wiki/Joy%27s_law_(management)
https://yalebooks.yale.edu/book/9780300151343/network-power
Lesson 2 — Embrace legal limbo

Not having 100% solid approach is OK (for a while)

Arti Rai         James Boyle

Duke Law Center for the Study of the Public Domain

https://web.law.duke.edu/cspd/
Lesson 3 — Check property rights at the door

Don’t let ill-suited IP regimes slow you down.

Mark Alan Fischer

attorney with perspectives from the GNU Emacs License to the BioBrick Public Agreement

Patents?
Copyright?
Trademarks?
Trade secrets?
Contracts?

https://www.oreilly.com/openbook/freedom/ch09.html
https://en.wikipedia.org/wiki/Mark_Fischer_(attorney)
Lesson 4 — It’s good to have options

“Have you read our patent policy?”

Kathy Ku

Getting things to happen in the real world is not one-size fits all

Lesson 5 — Understand encumbrances practically & holistically

“The great thing about patents is that they expire!”

Linda Kahl

Most biotech transactions practically bog down over exchange of physical goods, not patents

https://www.nature.com/articles/nbt.4263

https://about.lens.org/team-members/cambia/linda-kahl-phd-jd/
Lesson 6 — Success of open enables private profits elsewhere

“The Law of Conservation of Attractive Profits”
— Clayton Christensen

Tim O’Reilly

Architecture of the system...

https://www.slideshare.net/Timoreilly1/lessons-from-software-for-synthetic-biology
Lesson 7 — Strive to get the architecture of the system right

Morality, righteousness, & obedience are exhausting and limiting

Great power, not clinging to power, has true power.
Lesser power, clinging to power, lacks true power.
Great power, doing nothing, has nothing to do.
Lesser power, doing nothing, has an end in view.

The good the truly good do has no end in view.
The right the very righteous do has an end in view.
And those who act in true obedience to law roll up their sleeves and make the disobedient obey.

So: when we lose the Way we find power; losing power we find goodness; losing goodness we find righteousness; losing righteousness we’re left with obedience.

Obedience to law is the dry husk of loyalty and good faith.
Opinion is the barren flower of the Way, the beginning of ignorance.

So great-minded people abide in the kernel not the husk,
Lesson 8 — Understand what you (others) are aiming for

“Over 30 years partnering with Silicon Valley, we’ve learned that patents are important if you want to start one company, AND that giving things away is the way to go if you want to launch an entire industry”

- retired chair, UC Berkeley Department of Electrical Engineering

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The National Academies of Sciences, Engineering, Medicine

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Lesson 9 — Surf the intrinsic advantage of openness

“Our victory’s inevitable, our timing’s uncertain”

Languages are under positive and negative selection to become free to use otherwise they risk going extinct. The ultimate intrinsic cost of using a language is the cost of learning the language.
Lesson 10 — Don’t cheat the long term

What will <your favorite technology> be like when Disney’s copyright and trademark’s on Mickey Mouse™ expirie?