



By Craig McGuire

Eyeing lower costs and the loyalty of legions of potential users and developers, an increasing number of software vendors are embracing open source strategies. Along with myriad advantages of making their code publicly available, vendors still face formidable technical and legal challenges.

open source adoption spiked during the last economic recession (2001-2002), driven by anti-establishment sentiment and the necessity to reduce costs, trends that have re-emerged in the current downturn.

Today, the dominant open source software solution stack is Linux (operating system), Apache (web server), MySQL (database management system) and one of several scripting languages (Perl, PHP or Python) — collectively known as the LAMP stack.

“Today, most software systems use some or all of these components, which form a basic platform of web computing,” says Heather Meeker, an attorney at the Greenberg Traurig law firm, specializing in open source technology.

“Ten years ago, open source licensing was a law-geek specialty, and open source software was still created primarily by hobbyists,” Meeker explains. “Today, open source is so popular that it is on par with proprietary licensing. Every businessperson or lawyer dealing with technology needs to understand open source licensing.”

### **Software Vendors Scrambling**

These days, there are more and more forays by leading software vendors venturing into the open source community. Most recently, Microsoft made headlines in July when it submitted driver source code to be included in the Linux kernel under a GPLv2 license.



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That code encompasses four drivers that are part of Linux Device Driver for Virtualization and when added to the Linux kernel, provide for distribution of Linux to run on Windows Server 2008 and its Hyper-V hypervisor technology.

This was not Microsoft's first nod to open source (i.e. In 2006, Microsoft signed a partnership with Novell to develop integration software between Linux and Windows, among other developments).

However, it is Microsoft's most significant commitment to date, and one that is a remarkable turnaround from the bitter feud between the software behemoth and the open source community. (Microsoft CEO Steve Ballmer once likened the movement to a cancer.)

Ubiquitous though it may be, Microsoft is not the only major vendor to see potential in open source technology. Much earlier, Computer Associates acquired the Ingres open source relational DBMS, which runs on Windows, OpenVMS, Linux and most Unix platforms, later spinning it off in 2005 as Ingres Corp., releasing Ingres r3 under an open source license.

In another landmark deal for open source, MySQL was purchased by Sun Microsystems, which is currently in the process of being acquired by Oracle in a deal valued at \$7.4 billion. The evolution of this deal, in particular, has attracted much attention in open source circles. "When Sun Microsystems purchased MySQL, it might not cause much concern within the open source community, because Sun Microsystems is not a [database management system] vendor," says Dr. Xong Wang, a professor in the Department of Computer Science, California State University, Fullerton. "But now, MySQL is within Oracle," Wang says. "For continuous support from the open source community, Oracle needs to avoid the perception that when a programmer contributes to MySQL, the contribution automatically becomes part of the Oracle database."

Meanwhile, Wang says the grappling hooks software vendors are hurling into the open source community are producing plenty of buzz. "Such interactions inject new momentum into the open source software movement," he says. "Many of the employees working for the leading software vendors are also very active in the open source software community."

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