

COMMENT

Brussels 17 August 2011

Google's acquisition of Motorola Mobility & House of Commons Public Administration Select Committee

This Summer is proving to be far from quiet for the IT industry. Recently in the UK we saw published a damning report from the Public Administration Select Committee on Government computing, and this week we have seen the next chapter in the use of patent portfolios within mobile computing. Both deserve comment.

Google's acquisition of Motorola Mobility on the face of it seemed a strange and potentially controversial decision. The independent provider of the Android operating system, buying one of the competing handset suppliers would normally have been expected to incur significant adverse comment particular from those self same competitors. In fact the opposite was true – the move has been widely welcomed, and seen as protection of the continuing openness of Android. The patent portfolio that comes with the acquisition seems to be the core of the deal, and gives Google's muscle to combat what seems to be a patent driven approach to limit competition in the mobile market, and potentially suppress open competition. Google is an OFE member, and normally we never comment on commercial deals, and we have no more insight on this than anyone else, or indeed on the patents under question. But to me at least this seems a good deal, not just to protect Google's own interests, but one that can be leveraged to protect not just the open source base to Android but also to enhance future competition in the mobile market. I hope that Google will step up to this mantle of protecting the wider open source based community that is now growing outside its own specific interests. The use of patents to artificially restrict competition and protect lock-in will inevitably come under increasing exposure, and once again open what is an ever continuing debate on the whole role of patents within IPR protection.

For those of us in the IT profession the *House of Commons Public Administration Select Committee* 12th Report of Session 2010-12 “Government and IT - 'a recipe for rip-off': time for a new approach” makes grim reading Not because it says anything dramatically new, but it still remains a massive indictment of the effectiveness of the way the IT industry has engaged with Government for over a decade. This is not the first time that a fundamental reform of IT within government has been proposed. Previous attempts have failed, generally due to a failure to understand and face up to the blocks to progress within the system.

It is not clear, however, what the prime outcome of the study will be, apart from a general statement to 'consider matters relating to the quality and standards of administration provided by civil service departments....'. The recommendations are generally well expressed. They cover many areas such as Open Standards, the over dependence on a small number of large Systems Integrators, their relationship with SMEs, the discrete opportunity for SMEs, the critical importance of skilled, knowledgeable clear leadership and user engagement among others, themes for which OFE has long campaigned.

However, it is noticeable that there are very few references to software and no discussion or recommendation about the use of Open Source Software..Par 31 – Supplier Lock-in; Legacy Systems and Intellectual Property Rights makes no mention of the lock-in imposed by proprietary software applications, surely as big a block to interoperability and competitive choice as legacy systems. Genuine Open Standards, including document formats, would overcome this blockage but the experience at Bristol City Council, and elsewhere, illustrate just how challenging the reluctance, sometimes even refusal of the incumbent supplier to implement Open Standards properly is proving.

The Report's most significant proposal is for government to put its IT services and management back in the hands of officials who understand the issues involved and operate under a clear line of command direct to the relevant Minister This important function has been outsourced and as a result government may find it is out of touch with what is going on at the procurement level.

We believe central Government understands the task ahead. OFE applauded and continues to support the work of government in setting and implementing an Open Strategy based on clear, well defined Open Standards and use of Open Source for re-use when effective and relevant. There is not much wrong with the words. The real task is in its implementation, that requires buy-in from top to bottom. A number of essential first steps have been made – the Open Source strategy has been announced, a procurement note issued on Open standards, the SIs have been 'called in' to ensure they understand the intent and what is expected of them. The key now is on delivery.

Real political will combined with a well staffed, sustained campaign will be essential in order to steer the vested user and supplier interests in the Government IT towards the more efficient, really competitive, lower cost. open delivery of government Services.

Lock-in is hard to defend in prosperous times but it is unacceptable while austerity measures are squeezing the public purse. To overcome it requires a concerted effort by government. It is too important and too difficult a task to be outsourced.

By Graham Taylor, CEO

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