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Towards an improved regulatory framework of free software : protecting user freedoms in a world of software communities and eGovernments

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PROPOSITIONS

belonging to

Towards an Improved Regulatory Framework of Free Software
Protecting user freedoms in a world of software communities and eGovernments

by Krzysztof Siewicz

1. For an adequate protection of user freedoms full interoperability has to be provided for using open standards. (*Chapter 2 and 5*)
2. User freedoms cannot be adequately protected as long as they remain *inter partes* rights only. (*Chapter 3, this thesis*)
3. Adequate protection of user freedoms requires that software is subject to exclusive rights such as copyrights and that safe harbours exist against third party rights. (*Chapter 3 and 6, this thesis*)
4. Prohibition to use closed standards in eGovernment follows from the rule of law, which prohibits governments to discriminate citizens and entrepreneurs. (*Chapter 5, this thesis*)
5. Default copyright protection is insufficient for both the proprietary software developers and the Free Software developers.
6. Copyright protection of software is not necessary for entrepreneurs who employ the "Software-as-a-Service" business model.
7. Government procurement of open-standards-based software is an effective measure for the protection of competition in the software market.
8. The current law is not adequately drafted to account for legal issues that will arise as a result of the development of intelligent software agents.
9. "[T]he person who works desires *not only* due remuneration for his work; he also wishes that, within the production process, provision be made for him to be able to *know* that in his work, even on something that is owned in common, he is working 'for himself'." (Pope John Paul II, Encyclical *Laborem Exercens*)

Leiden, April 20, 2010

