GEEK NIKE

Dear Linux Magazine Reader,

Joe Casad, Editor in Chief

A few months ago, if I had written a column that made reference to the Battle of Thermopylae, I would have displayed a commendable command of the past (or at least, an adept ability to access the past at pertinent moments). Since the recent release of the popular film *300*, however, the Battle of Thermopylae has passed temporarily into the realm of popular culture, where it shares the limelight with the iPod Nano and the haircut of Britney Spears, so for the next few months, if you talk about it too much, you run the risk of sounding trendy.

Sometimes, though, you just have to talk about the Battle of Thermopylae. This glorious moment, in which a handful of Greeks put aside their conflicts to join together and defeat the whole Persian army, is considered a classic "last stand" victory, where the underdogs exhibit extreme tenacity and prevail. The battle is also useful for illustrating another classic theme that shows up frequently in human affairs. If the ancient Greeks had known about haiku, they might have expressed this sentiment as follows:

> *Old foes become friends*
> *When a real bad enemy*
> *Arrives in the yard*

The recent release of the GPLv3 3rd discussion draft is yet another example of a Thermopyletic truce to meet the greater foe. Much to the relief of many people in the open source community, the Free Software Foundation (FSF) and the Linux kernel developers appear to be patching up their differences over DRM just in time to face what they perceive as a greater threat – selective patent cross-indemnification as exemplified by the Novell/Microsoft pact.

In case you are just joining the discussion, Digital Rights Management (DRM) lets the hardware vendor create a tool that can't be hacked, thus rendering the GPL irrelevant. (Even if you modify the code, you can't actually use the modified version for anything because the hardware doesn't allow modifications.) Earlier versions of GPLv3 took a strong stand against DRM but did so in a way that the kernel developers considered counter-productive and overly political. The FSF has always stated that they were willing to work out their differences with the kernel developers, but many observers are pleasantly surprised that they actually seem to have done so. The latest draft narrows the DRM provisions, providing more flexibility for exemptions.

The response from Linus Torvalds was encouraging. "I'm actually pretty pleased," Torvalds is reported as saying, "not because I think it's perfect, but simply because I think it's certainly a lot better than I really expected from the previous drafts….Whether it's actually a better license than the GPLv2, I'm still a bit skeptical, but at least it's now 'I'm skeptical' rather than 'Hell no!'"

Whether the latest draft succeeds in preventing discriminatory patent pacts such as the Novell/Microsoft deal remains to be seen. Critics took aim at the patent provisions, and critics of the critics quickly shot right back (see page 10). Because these new patent provisions have only just appeared, the FSF will undoubtedly need further revision and commentary to get them to a finished state. (That's why they call it a discussion draft.) For now, though, we can at least take hope in the fact that the DRM issue may be going back in the box.

Joe