

Apache Seeks Harmony with Sun

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In an open letter to Sun Microsystems' CEO, the Apache Software Foundation accuses Sun of restricting its access to a critical test kit to protect Sun's commercial interests.

The Apache Software Foundation has accused Sun Microsystems of holding out on a license for a critical Java test kit to protect Sun's own commercial interests from open-source competition.

In an open letter to Sun CEO Jonathan Schwartz, Geir Magnusson, vice president of the Apache Harmony project, said Apache has been trying since August 2006 to get a license for the test kit for Java SE (Java Platform, Standard Edition).

Apache Harmony is a project aimed at creating a compatible, independent implementation of the Java SE 5 JDK (Java Development Kit) under Apache License Version 2.

The test kit Apache seeks is Java Compatibility Kit, or JCK, and is needed by the Apache Harmony project to demonstrate its compatibility with the Java SE specification, as required by Sun's specification license, Magnusson said in his letter.

However, "The JCK license Sun is offering imposes IP - intellectual property - rights restrictions through limits on the 'field of use' available to users of our software," Magnusson said.

And the restrictions are "totally unacceptable" to Apache, he added.

"Sun's JCK license protects portions of Sun's commercial Java business at the expense of ASF's open software," Magnusson said in his letter. "It prevents our users from using Apache software in certain fields of use. Such implicit or explicit threats of IP-based aggression give one actor overwhelming commercial advantages over the other participants in the ecosystem."

Moreover, "Besides holding back the Harmony project - a community-led open-source project of the ASF that has been working on this since May of 2005 - this failure to comply with your contractual obligations poses serious risk to the credibility of the JCP - Java Community Process - as an open standards organization, and the reputation of Java itself as an open technology," Magnusson said in the letter.

Indeed, the field of use restrictions are contrary to the terms of the JSPA (Java Specification Participation Agreement) - the governing rules of the JCP, Magnusson said. In an interview with eWEEK, Magnusson said, "This is an interesting problem. This is a real problem for Java and the JCP. Java is supposed to be an open standard and it can't be under terms like this."

Magnusson said Apache has tried for eight months to get a license for the JCK and that he wanted to avoid a public airing of the issue. However, now, "We expect you to offer an acceptable JSPA-compliant license to us within 30 days, or provide a public explanation of why you cannot do so," Magnusson said in his letter to Schwartz.

A Sun spokesperson said the company was checking into the issue but had no other comment.

Some observers said Sun's behavior might be viewed as an effort to slow the Apache Harmony project so Sun's own OpenJDK effort to deliver an open-source JDK could catch up.

"We could have had the bragging rights of being the first tested, open-source implementation of Java," Magnusson said. But he said he is not interested in bragging rights, or in getting into a contest about which organization's license is better.

In addition, Magnusson said he hopes to have the issue resolved before JavaOne, Sun's annual Java conference being held May 8-11 in San Francisco.

In a blog post on the issue, Sam Ruby, a senior technical staff member in IBM's Emerging Technologies Group, and a director of ASF, said, "I sincerely hope that Jonathan quickly intervenes as he is in a unique position to assess the trade-off between the short-term benefits in the credit column against the intangible costs in the debit column of (1) actively destroying the community that Sun has taken so much time and effort to foster, (2) mortgaging the future of Java and (3) undermining Sun's own open standards efforts."

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