

Intel Executive Committee Position Paper – October 2008

More general information can be found at: [Java at Intel](#)

Intel Corporation JCP Executive Committee (“EC”) positions

JCP Executive Committee – role and issues

The EC's main role is governance and oversight. EC voting on JSR (“Java Specification Requests”) ballots serves as a check that the specification development process was fair and followed the JCP rules. The JCP process itself is changed through a JSR with the EC as members and Sun as the Spec Lead. The EC is not a technical or architectural group. Technical work in JCP is done by JCP members in JSR Expert Groups and those JSRs are proposed by the membership, not the EC.

Sun created the JCP as a forum for evolving Java. While the EC has an approval role through EC ballots, Sun and JSR Spec Leads have special roles in JCP. [The Spec Lead is the JCP member who proposes a JSR]. Sun has an explicit veto in EC ballots on any language or platform JSR and Sun is the Spec Lead on any JSR that changes the JCP process rules or contracts. The Spec Lead for a JSR (Sun for many key Java specs) owns the spec copyright and has wide latitude over how they run the Expert Group including what makes it into drafts of the developing spec. The Spec Lead also determines the licenses for implementing specifications. For many JSRs, the key TCK (test suite) License is kept confidential, so it is not known what is required to implement the specification. Spec Leads have far more power than the chair in a typical standards Working Group.

By the agreement that forms the JCP (“JSPA”), other than reciprocity rules for licensing and three specific compatibility conditions (including passing the TCK test suite) “the Spec Lead agrees not to impose any contractual condition or covenant that would limit or restrict the right of any licensee to create or distribute such Independent Implementations.” However, there has been a public claim that confidential TCK licenses have been used to restrict what implementations can be tested. With the JCP imposed requirement to license the TCK and with no requirement to provide a publicly viewable alternative for the required licenses, the community has no way to know if specifications really can be implemented without restriction.

Reform of the JCP process can help make JCP more open and ensure JCP specifications can be openly implemented by all.

Goals for JCP that we will work towards in the Executive Committee:

1. Evolve the JCP rules towards becoming a legal entity like many other standards organizations, with the rules of typical open and fair member controlled standards organizations. (long term goal)
2. No unilateral control that prevents the community from creating specifications the community wants.
3. Ensure everyone can implement JCP specifications royalty free. There must be no restrictions on how compatible implementations can be used other than the published requirements of the specification itself.
4. Provide simple, public, standard licenses for all licenses required to create an Independent Implementation of a JCP specification. The Spec Lead could offer other alternative licenses, but one standard public alternative that is the same for all

- specifications should always be available to any implementer who wants it.
5. Ensure transparency in the operation of the JCP. The public should be able to see if specification work is making progress, what the key issues are and should have access to frequent drafts. The public should be able to comment and see others comments and responses from the JSR Expert Groups.
 6. Encourage the use of open source Reference Implementations (RI) and test suites (TCK).

Detailed Executive Committee positions

(more information on particular reforms to achieve the goals listed above - many of these have been under consideration.)

1. **JCP as a level playing field legal entity standards organization.** The JCP should evolve towards becoming a legal entity incorporated and controlled by its members to offer a level playing field for creation of Java specifications with no special role for any particular company. Being a legal entity allows the organization to own the specification copyright and ensures members control the organization. In the meantime, reforms should make JCP more like the typical member controlled standards organization. All of the following proposed changes can be implemented now, without JCP becoming an independent membership controlled organization.
2. **Public, standard implementation license and TCK test suite licenses that apply to all future JSRs.** Currently each specification can have a different license and the required TCK test suite license is often confidential. The public (and the EC) often has no way of knowing if Spec Leads restrict specification implementations in these licenses. Every future JSR should use the same public, standard implementation license and TCK license. Spec Leads can offer other alternative licenses, but must always offer the single common standard license. Since some JCP members wish to charge for the cost of maintaining TCKs, the only allowed difference in the standard TCK license is the cost for use in claiming compatibility (always with no cost for not-for-profits). Our preference is for \$0 cost open source TCKs, but requiring that is probably not achievable now.
3. **No Field of Use restrictions limiting how specifications are used other than what the specification says.** We think the JSPA already clearly forbids this. It says other than reciprocity rules for licensing and three compatibility conditions (including passing the TCK test suite) "the Spec Lead agrees not to impose any contractual condition or covenant that would limit or restrict the right of any licensee to create or distribute such Independent Implementations." However, there has been disagreement on this that is reflected in the Apache Harmony open letter about the TCK License. JCP required test suites are intended for ensuring compatibility and must not be used by Spec Leads to prevent use of compatible implementations.
4. **TCK Guides must be public.** If there is a TCK Guide for how a TCK may be used, that guide should be posted on a public site so that the community knows all the rules required to implement a specification.
5. **JCP Community can create open source \$0 cost TCK for any JSR that does not have one, with EC approval.** If the TCK test suite for a specification is not open

source and \$0 cost for official use of the TCK to claim compatibility, then JCP members should be able to file a JSR to create an open source, \$0 cost TCK for that JSR. The development work could be done wherever the Expert Group decided (including in any of the open source forums). If the EC approves, a specific version of that new open source TCK becomes the official TCK for the JSR when used without changes. Open Source TCKs solve the problem of continuing work on specifications when the Spec Lead who owns the TCK goes bankrupt or loses interest.

- 6. Future Reference Implementations (RI) licensed under OSI open source license.** Reference Implementations of future JSRs should be required to be licensed under the OSI approved open source license of the Spec Lead's choosing. With the the Spec Lead owning a proprietary RI, if the Spec Lead goes bankrupt or just loses interest, there is no RI for the community to use to create new versions of the specification. Open source RI's solve that problem.
- 7. Transparency in specification development – default should be public.** The default for all JCP business should be that it is NOT confidential. Meeting minutes, Expert Group mail list archive where technical work is done, and Expert Group specification drafts should all be publicly viewable (read only). Expert Groups can have a second mail list for non-technical private communication but that should be restricted to information like arranging phone calls and face to face meetings. Formal JCP Confidentiality, where there are legal commitments to keep information confidential for up to 3 years with use restrictions, should be eliminated. Access passwords are sufficient to guard information like meeting arrangements.
- 8. Transparency in Executive Committee – default should be public.** At times the EC has to have discussions that need to remain private (e.g. discussing past licenses that are marked confidential). However, transparency should be the default. The EC should be required to have a publicly archived email list for public feedback to the EC, where either individual EC members or the EC as a whole participate in discussion with the community.
- 9. Expert Group participation** Currently, the Spec Lead can hand pick the members of the Expert Group. There should be clear, public criteria for Expert Group membership (e.g. technical experience in the area). Up to some limit on the number of members (never less than 12 as the limit), qualified participation requests should not be refused (but can be refused if others are more qualified). Those rejected should be able to appeal to the EC if they believe the rules were not fairly applied. Expert Group members should be removed if they do not attend meetings or do not participate on the email list.
- 10. Removal of the Spec Lead by Expert Group.** A JSR Expert Group should be able to vote to remove a Spec Lead (2/3 vote, 3/4 vote – more than a simple majority) and to replace the Spec Lead with another Spec Lead, with EC approval. Currently, they can do that but only by asking the same Spec Lead (company) to provide a different person (so from the same company).
- 11. Naming a new Spec Lead for the next version of a specification when Spec Lead refuses to start a new version.** The JCP Community should be able to create the

specifications it wants to create. If the Spec Lead refuses to lead a new JSR, a JSR should be able to be proposed with a new Spec Lead.

- 12. Public feedback on specs.** Each approved JSR should be required to have a public comments email archive. Expert Group members should be encouraged to post to that list in response to comments. A second public, archived email list should be required for formal public comments for JSR Initiation, Early Draft Review, Public Draft Review and during Final EC Ballot. The JSR Expert Group should briefly summarize all significant issues raised (just a few words and merging similar issues) and indicate what decision was taken (e.g. “deferred to a later revision”, “fixed as recommended”, “resolved by draft changes”, “rejected because x”, etc.). That summary should be posted to the formal review list and an URL for it should be provided to the EC at all future votes on the JSR

- 13. Closing down dead JSRs.** In SE about 1/3 of JSRs have not had any public draft since 2004. At some point those need to be closed. If a JSR is making no progress over a long period of time it should be closed (where progress means they are at least trying, not that that are necessarily succeeding). One alternative would be to charter JSRs with the charter periodically coming up for EC renewal ballot (like W3C does).

- 14. Platform JSRs should be done in the new Expert Group for the platform revision, not slipped in by Maintenance Review on the previous JSR for the previous specification version.** Currently for a new Platform Specification, there is new JSR that produces a specification that lists which other JSR specifications become part of the new platform. Traditionally, there have also been a set of Maintenance Releases on the previous version of the specification, but these are odd Maintenance Releases not meant to be implemented in the previous version at all. They are means to change the next version, not to change the version they look like they apply to. In the future, this should be done by producing the same change request document, but to have that document go through the usual review cycle in the JSR for the new platform. It is no more work and gives the community the usual review of the changes that will make up the new platform. (e.g. look at the maintenance releases for SE5 intended only to be implemented in SE6, not SE5 <http://jcp.org/en/jsr/detail?id=176>).

- 15. Direct licensing to implementers.** Current licensing rules make all patent grants flow through the Spec Lead. Contributors license to the Spec Lead granting the Spec Lead the right to sublicense to others. In many other organizations, contributors license directly to implementers. Licensing through the Spec Lead is another instance of having specifications dependent upon one person or company.