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Mr Alistair Tegart
Standards Australia

By email: alistair.tegart@standards.org.au

Dear Mr Tegart,

Opposing OOXML ISO Endorsement

1. Introduction

- 1.1 Thank you for the opportunity make a submission on Standards Australia's consideration of OOXML.
- 1.2 I am a director of Open Source Industry Australia Limited (OSIA). I make this submission on behalf of that company. OSIA is a company limited by guarantee established in 2004. All of OSIA's members are businesses who make use of open source technology. OSIA membership comprises mostly SMEs from around Australia, but it also counts large organisations and multinationals among its membership.

2. Summary

- 2.1 Standards Australia should recommend a vote of “no”. It should not support endorsement of the OOXML format as an ISO Standard at this time.
- 2.2 OSIA believes endorsement of OOXML as an ISO Standard would create a number of issues including:
 - (a) the large number of existing contradictions and criticisms of the format are so numerous and are sufficiently serious to warrant rejection;
 - (b) endorsement will create confusion among Australian consumers of office applications;
 - (c) endorsement will result in legal issues under s 52 of the Trade Practices Act for Australian businesses making representations about such an endorsement;



- (d) endorsement will be unfair to potential implementers;
- (e) endorsement will disadvantage Australian vendors; and
- (f) endorsement would place Standards Australia in a difficult position.

2.3 To the extent the existence of translators may be argued to alleviate any of these issues, the format is redundant and should be rejected for that reason.

3. Endorsement of Existing Contradictions/Criticisms

3.1 OSIA endorses the contradictions and criticisms of OOXML set out at the website addresses listed in the Schedule. We assume that you have received comments on these issues already and do not wish to repeat arguments you already familiar with. If you would like further elaboration on our specific views on these issues we would be happy to make a supplementary submission.

4. Endorsement of OOXML Will Create Confusion

4.1 We believe it is likely that, in practice, OOXML will only be implemented by a single vendor of office applications. OSIA believes that this is inconsistent with the reasonable person's understanding of the meaning of the word "standard". Endorsement as a standard would therefore create the false impression in the marketplace that documents stored in this format will be portable to applications from third party vendors.

4.2 The confusion this would create in the minds of Australian consumers is reason enough to oppose endorsement. However, it also raises problems under Australian law for any person who makes claims as to its status as a standard (see section 5 below).

4.3 Also, there already exists an ISO standard (OpenDocument v1.0/International Standard ISO/IEC 26300:2006) for office documents (ODF). This format is implemented by applications from different vendors and is already established in the Australian marketplace. Consumers would have a reasonable expectation that ISO standards for the same category of document would be interoperable. However, OOXML is not interoperable with the ISO Standard. The endorsement of the ODF-incompatible format OOXML as an ISO standard for the same class of material would therefore be another cause for confusion among Australian consumers.

5. Endorsement of OOXML Will Create Legal Problems

5.1 We are concerned that, because it is unable to be implemented in practice by third parties any representations describing the OOXML format as an "ISO Standard" or which indicate that OOXML is endorsed as a standard by a standards organisation will be misleading or deceptive within the meaning of section 52 of the *Trade Practices Act*. People such as retailers, distributors and resellers of the products using this format are likely to be exposed. Indeed, even organisations which advertise storage of documents for others will be



exposed.

5.2 Courts have consistently emphasised that they will look primarily to the substance of a representation and the impression it is likely to create, rather than whether it is technically true or false. The fact that the theoretical possibility may exist for alternative implementations will therefore not change this analysis.

5.3 The lack of compatibility between OOXML and the ISO Standard may provide an additional cause of action under the *Trade Practices Act* (along similar lines as those discussed above in paragraph 4.3). This may also expose not only vendors of OOXML to action, but also vendors of the ISO Standard (if consumers have an expectation of interoperability between them based on OOXML's endorsement for the same class of document).

6. Endorsement of OOXML on a fast track process will be unfair

6.1 The endorsement, on a fast track process, of a format of the size and complexity of OOXML is effectively giving an inappropriate preference to a single vendor. This preference arises because others who might wish to implement the format have not had an opportunity to review it fully, let alone attempt an implementation. As such, should OOXML be endorsed on a fast track process, the proposer of OOXML will have a significant time advantage over any other vendors wishing to implement a compatible product.

6.2 This is a substantive issue and a direct consequence of the character of the specifications and the manner in which endorsement is being sought. It is one thing for a vendor to have a lead time measured in weeks or months, and one which is measured in years or decades. Indeed, there are substantial questions (such as tags implementing backward compatibility with undocumented formats) about whether the standard can be implemented by third parties even in theory.

7. Endorsement Would Disadvantage Australian Vendors

7.1 The size of the OOXML specification (an order of magnitude greater than the existing ISO Standard) is such that vendors interested in it would need to be of a certain size just to have the resources to understand the specification, let alone implement it. Australian vendors are unlikely to have sufficient size to undertake an implementation. Endorsement of OOXML would therefore place Australian vendors at a special disadvantage in competing for the worldwide market for office applications.

8. Endorsement Would Place Standards Australia in a difficult position

8.1 If there is little likelihood of third parties being able to implement the format in practice (in the foreseeable future, if at all), support by Standards Australia for the endorsement of OOXML would therefore be an endorsement of a single vendor. We believe that this would not be appropriate, even where the specification contains no contradictions. Given that the specification is clearly



problematic (see references in the Schedule) OOXML's endorsement ought to be opposed.

9. Translators

- 9.1 It might be argued that the existence of translators between the ISO Standard and OOXML may alleviate the issues raised above. This is not the case. On the contrary, the existence of translators indicates that OOXML is redundant and should not be endorsed for that reason. To the extent OOXML is not redundant, the issues above remain. There is every reason to believe (eg backward compatibility tags for undocumented formats, deliberate errors such as the year 1900 bug, oversights such as the failure to specify a unit of measurement for trigonometric functions, binary blobs etc) that there is a substantial gap between OOXML and the ISO Standard.

10. Conclusion

Thank you for the opportunity to make a submission on this issue.

Yours faithfully,

[by email 30 July 2006]

Brendan Scott
Director
Open Source Industry Australia Limited



Schedule

Issues with OOXML

OSIA endorses the issues raised with OOXML by:

- (a) the documents referenced at <http://www.nooxml.org/arguments> under the headings “General Background Papers”, “Sample submissions” and “Other Technical Comments” (in particular http://www.grokdod.net/index.php/EOOXML_objections and <http://www.nooxml.org/local--files/arguments/TheCaseAgainstOOXML.pdf>);
- (b) the paper “When is a standard not a standard?” by Edward Macnaughten available from: <http://www.freesoftwaremagazine.com/node/2110>;
- (c) each of the issues listed at <http://www.nooxml.org/> including in respect of: 1900 bug; Muslims; Patents; Accessibility; Global relevance; User needs; Open Standards; Conversion Issues; Rice Pudding; and Tiny Adoption;