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[Home](#)[Site Index](#)[Site Search](#)[Forums](#)[Archives](#)[Shopping](#)

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PATENTS

Microsoft Move Sparks Controversy Over Web Standards

By TERESA RIORDAN

Many Web site developers were angered earlier this month when they learned that the [Microsoft Corp.](#) had received a patent covering a fundamental technology adopted by the [World Wide Web Consortium](#), a nonprofit group working to standardize the Web.

Part of the furor arose because Microsoft, a member of the consortium, had not told members that it had applied for a patent covering aspects of a technology known as "[cascading style sheets.](#)"

These style sheets are essentially templates that reduce the cost of developing Web sites, make it easier to redesign a site on the fly and cut the cost of maintaining a site.

Microsoft since has said that its failure to disclose the patent application was inadvertent and, more important, that it will freely license the patent. But technologists say that the Microsoft patent is a worrisome symptom of a much larger problem.

The [U.S. Patent and Trademark Office](#) has begun to issue a spate of patents that were applied for several years ago when the Internet was just becoming viable commercially. Some fear that these patents threaten the very architecture underlying the online world.

While patents are intended to reward innovative work done independently by individuals or companies, the World Wide Web is in many respects the result of innovation that is by definition collaborative.

"The Web works because everyone has some basic underlying agreements about basic technical standards, not because everybody went out and tried to make their own web," said Daniel K. Weitzner, director of technology standards for the World Wide Web Consortium. "If everyone did go out and make their own web, we would have no Web."

Paul Resnick, associate professor at the University of Michigan's School of Information, said the friction between patents and standards was spurring a

"revolution in how we think about property."

"Both innovation and standardization create value for consumers," he said.

"Patents are good for rewarding innovation. But they can inhibit standardization. And the value that is created by standards accrues to everyone."
"

Microsoft's patent, [No. 5,860,073](#), covers part of the technology behind "cascading style sheets," templates into which fresh data can be poured repeatedly. The style sheets are used with HTML, the common language of the Internet. The patent also covers a similar template approach for XML, a next-generation language described as "HTML on steroids."

George Olsen is a design director at 2-Lane Media in Los Angeles who heads up the [Web Standards Project](#), a lobbying group for developers who want to see Web standards broadly adopted, so that virtually all sites can be viewed easily with any type of browser.

When Olsen's group first heard of the Microsoft patent, they hotly threatened to press the Patent Office to re-examine it. But the group's tempers have cooled since Microsoft announced that it would freely and widely license the patent.

"Now we're in a trust-but-verify mode," Olsen said.

While the Microsoft patent has been the subject of ire outside the World Wide Web Consortium, also known as the W3C, a different patent seems to be the main focus of concern within the consortium.

The [Intermind Corp.](#), a consortium member, did disclose to the consortium that it had applied for a patent covering aspects of "metadata," which is essentially information tagged to data so that it can be sorted or classified. (An "R" rating tagged to a movie, for example would be metadata about a movie.) The consortium adopted a metadata standard known as the Platform for Privacy Preferences, or P3P. But members were taken by surprise when Intermind announced, after it had been issued [patent No. 5,862,325](#) -- a huge, 130-page document -- that it would exact licensing fees from fellow members, who had helped developed P3P.

Thomas Reardon, a Microsoft program manager who is the company's representative with the consortium, said his company was serving as a model of how consortium members should treat their patents.

"There is currently absolutely zero patent policy at the W3C," said Reardon. Instead, each of the consortium's 300 members post their own policy regarding licensing. Microsoft's is far more liberal than that of any other company, he said, comparing it to "much stricter terms" offered by Sun Microsystems or IBM.

"I actually think what we're doing is pretty striking," Reardon said. "We're saying, 'It doesn't really matter what the patent says, you can have it.'"

Of course, Microsoft is not giving away its patent for nothing. In return, companies must grant Microsoft a reciprocal license for any related technology. "We're not going to give something for free and then be held hostage by somebody we just gave to," Reardon said.

But even if other companies follow Microsoft's example, other thorny issues will probably emerge.

[Eolas Technologies](#), a company in Wheaton, Ill., that is not a member of the consortium, recently sued Microsoft for infringing its patent, [No. 5,838,906](#). Mike Doyle, the founder of Eolas, contends that the patent covers aspects of "embedded technology" -- the so-called applets and plug-ins that make it possible to experience music, video and animated graphics on the Web. These are used not just by Microsoft but by other software makers as well.

Should Eolas and others not in the consortium be able to reap the benefits of standardization while at the same time exacting licensing fees for patented technologies?

Resnick contends that such questions are going to require a radical rethinking of intellectual property.

"It's a big issue; it's fundamental," he said. "There's not going to be an easy answer."

Patents are available by number for \$3 from the Patent and Trademark Office, Washington, D.C. 20231.

Related Sites

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- [Microsoft Corp.](#)
- [World Wide Web Consortium](#)
- [World Wide Web Consortium: Cascading Style Sheets](#)
- [U.S. Patent and Trademark Office](#)
- [Microsoft: Style Sheets: A Brief Overview for Designers](#)
- [Patent No. 5,860,073: Cascading Style Sheets](#)
- [Web Standards Project](#)
- [W3C: Platform for Privacy Preferences](#)
- [Patent No. 5,862,325: Metadata](#)

- [Eolas Technologies](#)
- [Patent No. 5,838,906: Embedded Technology](#)

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