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TECHNOLOGY

iPhone software developers stifled under Apple's gag order

Programmers remain bound to not discuss how they create applications, potentially restraining innovation.

By Michelle Quinn, Los Angeles Times Staff Writer
August 25, 2008

SAN FRANCISCO -- By creating games and other programs for the iPhone, software developers hoped to find millions of new customers. But they didn't expect to feel muzzled.

The software development kit that Apple Inc. distributed to programmers bound them to not discuss the process of creating programs for the iPhone. Companies typically waive such legal restrictions once the product in question launches, but Apple didn't. And it won't say why.

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As a result, iPhone developers -- and businesses that cater to them -- say they are prohibited from asking technical questions or sharing tips anywhere in public. On Apple's official support website, moderators remind visitors that they are bound by the nondisclosure agreement and should mind what they say or ask.

Conference organizers are trying to figure out how to plan sessions for iPhone software developers when they're not allowed to talk about iPhone software. Book publishers are sitting on how-to manuals, afraid that if they ship them Apple will sue.

And software developers are forced to make applications for the iPhone in an information vacuum, without the help of a developer community that is used to openly sharing tricks of the trade. Quality may suffer.

The Cupertino, Calif., company is famous for tightly controlling its products and image. But even professionals who for years have made products and services to complement Apple's are startled by the information clampdown.

Many had hoped to make big money off the much-hyped iPhone franchise, and many developers are. Apple recently said that customers have downloaded more than 60 million games, productivity tools and other widgets through its iPhone App Store, which lets programmers sell software or give it away.

But many Apple enthusiasts are left in the cold.

"We can't talk about our problems," said Jeffrey Long, a developer for Banterability who is working on a satellite radio program for the iPhone. "At the same time, we can't talk about the problems we've fixed."

Apple did not return calls seeking comment.

When it launched the iPhone last year, Apple decided it would be a closed platform - developers could create programs that ran on the device's Web browser but not programs that could be downloaded to the device itself, as they can for computers.

After a backlash, Apple opened the iPhone to programmers in March and began selling their programs through its App Store in July. Apple says it sells about \$1 million in iPhone programs each day.

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But to get the software needed to create iPhone programs, developers had to sign a nondisclosure agreement. They expected Apple to lift the restrictions on July 11, when the new version of the multifunction gadget, the iPhone 3G, hit stores.

Many developers say they are erring on the side of caution. They interpret the agreement to mean they can talk about the programs that they make, but they can't discuss the Apple developer tools used to make them, even with friends.

They also believe they're barred from sharing their thoughts and iPhone programming tips on blogs, on discussion boards, via e-mail and at conferences.

After all, Apple has sued before, including acting against a blogger accused of misappropriating the company's trade secrets by publishing scoops about new products. (The case was settled.)

Some have taken the risk and discussed the iPhone development process openly, and so far faced no repercussions.

WordPress.org is making an open-source version of its iPhone blogging software, meaning that anyone can contribute to its development. In the process, WordPress is publicly discussing its work and exposing the software code for its iPhone program. Apple has not complained about the practice to WordPress, said Matt Mullenweg, one of the lead developers.

But some developers fear that the gag order is preventing iPhone programs from being as technically sound and polished as they could be.

"This incredible top-down control is not having a good effect on the developer community," said Erica Sadun, a Denver technology writer whose "The iPhone Developer's Cookbook" is completed but unpublished.

The legal strength of the nondisclosure agreement could be shaky, said Aaron Moss, a partner with Greenberg Glusker Fields Claman & Machtinger in Los Angeles.

"A court might be sympathetic to an argument that it is overly broad," he said. "The need to protect is less when the product has been released. But no individual wants to be the one to take on Apple."

Some developers who are seeking help have resorted to paying each other \$1. That way, if challenged by Apple's legal department, they can argue that they are subcontractors and therefore free to discuss the software.

For book publishers and conference organizers, where tens or hundreds of thousands of dollars are involved, the legal risks are greater.

Kevin Hoffman, editor in chief of Sys-Con Media's iPhone Developer's Journal, is organizing the iPhone Developer Summit for October in San Jose. He said he planned to steer clear of discussions that might break the nondisclosure agreement and instead limit sessions to safe topics such as programming for the iPhone's browser and generic programming for the Macintosh.

"There's a lot of people I'd like to help with code that I can't," he said.

Other iPhone-related conferences have looked the other way as people shared information about the iPhone.

At Manning Publications, marketing coordinator Steven Hong is worried he is going to have to give refunds to the 400 customers who already bought the company's iPhone guide, "iPhone in Action."

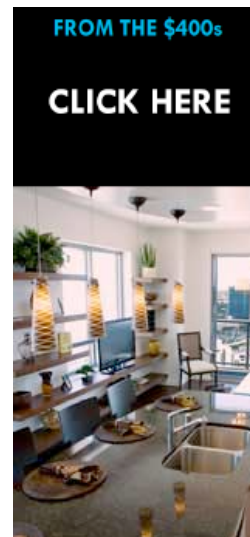
They have received electronic versions of the half of the book that covers iPhone Web development but not the 131 pages on the software development kit.

"If this goes on, the number of upset customers will increase," Hong said. "Our production schedule is very tentative right now."

Dave Thomas, a founder of Pragmatic Programmers, a consulting firm and publisher, also has an iPhone book he can't publish.

"Ultimately, consumers are suffering here," he said. "We're seeing some bad applications on the iPhone. It's stifling innovation."

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