

Free Software licensing

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Overview

- Recap: Free Software and copyright
- License types (copyleft / permissive)
- Three important licenses
- Combining licenses
- Exercise: Welte vs Skype
- Managing copyright in Free Software projects

What is Free Software?

- Four freedoms:
 1. Use, for any purpose
 2. Study and adapt
 3. Share
 4. Improve, and share improvements

Free Software and copyright

Free Software is based on copyright:

1. Assert copyright

“it's mine”

2. Give others permission to do use, study, share, improve

“but you can have it”

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Types of licenses

- Permissive (do what you want)
- Copyleft (pass on modifications)
 - weak copyleft (no need to pass on code that only links to the program)
 - strong copyleft (pass on **all** code that is integral to the program)

What type of license?

- “You must cause any work that you distribute or publish, that in whole or in part contains or is derived from the Program or any part thereof, to be licensed as a whole at no charge to all third parties under the terms of this License. “

What type of license?

- “You must cause any work that you distribute or publish, that in whole or in part contains or is derived from the Program or any part thereof, to be licensed as a whole at no charge to all third parties under the terms of this License. “

Strong copyleft (GNU GPL)

What type of license?

- Redistribution and use in source and binary forms, with or without modification, are permitted provided that the following conditions are met:
 - Redistributions of source code must retain the above copyright notice, this list of conditions and the following disclaimer.
 - Redistributions in binary form must reproduce the above copyright notice, this list of conditions and the following disclaimer in the documentation and/or other materials provided with the distribution.

What type of license?

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 - Redistributions in binary form must reproduce the above copyright notice, this list of conditions and the following disclaimer in the documentation and/or other materials provided with the distribution.
- **Permissive (BSD-style license)**

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The GNU GPL

“To protect your rights, we need to make restrictions that forbid anyone to deny you these rights or to ask you to surrender the rights. These restrictions translate to certain responsibilities for you if you distribute copies of the software, or if you modify it.

For example, if you distribute copies of such a program, whether gratis or for a fee, you must give the recipients all the rights that you have. You must make sure that they, too, receive or can get the source code. And you must show them these terms so they know their rights.”

The GNU GPL

- Most widely used Free Software license
- Strong copyleft
- Makes sure that all improvements are passed on
- Protects software from becoming non-free
- Effect: Increases amount of Free Software

The GNU GPL

“I figure that since proprietary software developers use copyright to stop us from sharing, we cooperators can use copyright to give other cooperators an advantage of their own: they can use our code.”

Richard Stallmann

The GNU LGPL

- Aimed at program libraries (code that is used in common by several programs)
- Library must be distributed under LGPL...
- ...but no effect on programs that just *use* the library
- Effect: Library can be linked with non-copyleft software

BSD-type licenses

- Users can make copies and redistribute the program
- No obligation to provide source code
- Users can make and distribute derivative works
- Effect: similar to public domain. Code can be incorporated into non-free software.

Combining licenses

- Code under different licenses can sometimes be combined into a single work
- Not all licenses are compatible
 - BSD > (L)GPL: no problem
 - GPL > BSD: not possible
- There are more than 100 Free Software licenses! > Compatibility problems

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Welte vs Skype

- Case in regional court of Munich, Germany, 2008



- Applicant: Harald Welte, Linux kernel developer
- Respondent: Skype Technologies SA, Luxembourg

Situation:

- Skype sells a VoIP phone which uses the Linux kernel...
- ...but does not inform buyers that the phone contains software under the GPL...
- ...and does not provide source code



GPL violation?

- Is Skype violating the GPL?
- Why?
 - The phone is made by another company
- If so, what consequences does this violation have?

Attempt to solve violation:

- Skype includes an information leaflet with the phone
 - Informs buyers that phone contains GPL software
 - Carries printed links for license and source code
 - Mentions limitations to liability, and existence of copyrights
- Does this solve the violation?

Attempt to solve violation:

- No.
 - Distributor must give recipients a copy of the license
 - Source code can only be offered online if binary code is offered online in the same place

Key conclusions:

- GNU GPL is legally binding
- GNU GPL must be observed exactly, just like any other license
- Failure to observe license is a copyright violation

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- **Managing copyright in Free Software projects**

Managing copyright

- Free Software projects can have large numbers of contributors
- Each contributor is an author and holds copyright
- How can you change the license?
- “...or any later version”

Example: Linux kernel

- Author: Linus Torvalds
- Thousands of contributors
- License: GNU GPL version 2



Example: Linux kernel

- Author: Linus Torvalds
- Thousands of contributors
- License: GNU GPL version 2



License outdated

(GPLv3 available since 2007)

Managing copyright - how?

?

Fiduciary License Agreement

- Authors assign copyright to a single entity
 - Project can relicense
 - Sufficient rights to enforce license in court

Fiduciary License Agreement

- Authors assign copyright to a single entity
 - Project can relicense
 - Sufficient rights to enforce license in court
- Entity gives unlimited use/exploitation rights to authors

Fiduciary License Agreement

- Authors assign copyright to a single entity
 - Project can relicense
 - Sufficient rights to enforce license in court
- Entity gives unlimited use/exploitation rights to authors
- Entity guarantees to follow Free Software principles - otherwise use/exploitation rights fall back to authors

Fiduciary License Agreement

- Makes copyright management much easier
- Lets projects re-license when needed
- Makes license easier to enforce

Legal work for Free Software

- FSFE's Freedom Task Force (FTF)
 - Fiduciary License Agreement:
<http://fsfe.org/projects/ftf/fla.en.htm>
- European Legal Network
- Guides for using and applying licenses
- Training & consultancy
- License compliance (with violations.org)

Thank you!

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