

From: Robin Mills robin@clanmills.com
Subject: Re: GPL licence contact details
Date: 2018 -August-2 at 20:31
To: jackson legal jacksonlegal@btconnect.com



Yes. That's what we thought. Andreas has no outstanding fees because the license is "unlimited" (a one-off payment, without restriction on time/duration nor units shipped nor product instances using the library). It's also "unlimited" in library updates. However, as all changes since v0.26 are GPLv2, there are no "commercial" updates available after v0.26.

The concern of Team Exiv2 is that a corporation would start legal action against us. Not only does that seem exceedingly unlikely, there's no possibility that such action would be successful. So we're happy to move forward as a GPLv2 licensed library.

I'm very happy to have heard your opinion about this. For sure, I'm owe you something in return. If you're in the Surrey Hills, be sure to visit us for lunch or dinner. Alison and Robin Mills, 14 Summer Gardens, Camberley GU15 1ED 01276-503287

Robin

On 2018-Aug-2, at 18:48, jackson legal <jacksonlegal@btconnect.com> wrote:

Hi Robin – I would add that I do think the Commercial Licence is binding upon those who have signed or accepted it (as such licences are contemplated by GPLv2) – for instance, Andreas could recover unpaid fees under it – but it would be subject to GPLv2 and any provision inconsistent with GPL v2 would be void or at least not be enforceable in my view.

Best.

Lew

From: Robin Mills <robinwmills@gmail.com> on behalf of Robin Mills
<robin@clanmills.com>

Date: Thursday, 2 August 2018 at 16:10

To: jackson legal <jacksonlegal@btconnect.com>

Subject: Re: GPL licence contact details

Thanks very much, Lew. Delighted to hear back from you.

You're thinking exactly what we think. Team Exiv2 (an Open Source team) has no obligation to Commercial Licensees. So, we intend to proceed to a new version (0.27) which will be only available under GPLv2. Regrettably, Commercial Licensees can't use modifications to the code since the final release of the Commercial version (v0.26) without accepting the obligations of GPLv2.

Another member of the team lives in Germany and spoke with a legal person at a conference in April. That legal person doubted if the Commercial License was legal. However that's not our concern as we are (legally) operating under GPLv2.

This is really good news. Thank You very much for giving us your opinion. Much Appreciated.

Robin
<[image001.png](#)>

On 2018-Aug-2, at 15:46, jackson legal <jacksonlegal@btconnect.com> wrote:

Hi Robin – apologies for the delay in responding. Your note is difficult to assess really as I am not sure what differences there were in the code of the Open Source version and the Commercially Licensed version of Exiv2. If they were the same code (ie. both Open Source legally) then although it is possible to commercially licence Open Source code under GPLv2 it is not possible in my view to avoid the legal consequences of GPLv2. So purported restrictions in the Commercial Licence that Andreas sort to impose would be void if contrary to GPLv2.

As the current Team Exiv2 are not parties to the Commercial Licence I don't think they have any obligations to parties that paid fees under that licence. And if that team has acquired a copy of Open Source Exiv2 for development purposes then it could claim it has done so under GPLv2 and consequently all development work would be subject to copyright, distribution and compliance with that licence.

I hope this assists with the issues you are dealing with.

Best regards.

Lew Jackson

From: Robin Mills <robinwmills@gmail.com> on behalf of Robin Mills <robin@clanmills.com>

Date: Monday, 25 June 2018 at 22:19

To: Lew Jackson <lew.jackson@jacksonlegal.co.uk>

Subject: Re: GPL licence contact details

Lew

Thanks for getting back to me. I attach the document.

Thursday's run at "The Slate Shed" was great. 16 miles without walking. 1800 feet of climbing. Friday was hotter. 10 miles and 1500 feet.

On Friday, I got up about 5:30am to work on the open-source on my laptop. View from the B&B was exceptional. Very beautiful location.

Robin

<image001.jpg>

On 2018-Jun-22, at 18:30, Lew Jackson
<lew.jackson@jacksonlegal.co.uk> wrote:

Hi Robin – I hope the run was OK. As promised, you now have my

email, so send me your note on the GPL licence if you would like a quick assessment.

Best regards.

Lew

jacksonlegal

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