

GPL Code Incorporated into Proprietary Tool

- A company made a proprietary software tool
- Developers added GPL-licensed code into it
- The tool was then shipped to customers without GPL notice or source code.
- The company wanted to keep the tool closed and commercial.
- Using GPL code without following the rules is a license violation.
- The issue was found during an internal review

Issues

1. Does adding GPL code make the tool a GPL derivative work?
2. What obligations are triggered when the tool is distributed?
3. What is the best way to fix the problem?

Ethical Analysis

Using **deontological ethics** makes sense for this issue. The company has a duty to respect software licenses and be honest with customers (Weber, 2025). By not following GPL, it broke that duty. Ethically, the right choice is to correct the mistake, even if it costs time or money, because following obligations is more important than convenience.

Legal/Policy Analysis

The **GPL license** requires that if GPL code is included and distributed, the whole program must also be under GPL with source code made available (Free Software Foundation, n.d.). Failing to do so violates copyright law since GPL is legally binding. OSI confirms GPL is an approved open-source license with strong copyleft terms (Open-Source Initiative, n.d.). The company must fix the violation to avoid lawsuits and reputational damage.

Decision & Rationale

The company should remove and replace the GPL code with internal or permissively licensed code (MIT/Apache). This keeps the tool proprietary while restoring compliance. Leaders should also tell customers what happened and ensure future checks. This is the best choice because it avoids legal risk, shows responsibility, and keeps the business model intact.

Alternatives Considered

- **Re-license tool under GPL**
 - *Pros:* Full compliance, community goodwill.
 - *Cons:* Lose proprietary control and profit
- **Do nothing**
 - *Pros:* No short-term cost.
 - *Cons:* Legal liability, bad reputation, unethical.

AI Use Note

I used ChatGPT to explain terms such as copyleft and derivative works.

References

Free Software Foundation. (n.d.). Frequently asked questions about the GNU licenses.

<https://www.gnu.org/licenses/gpl-faq.html>

Open-Source Initiative. (n.d.). Approved licenses. <https://opensource.org/licenses>

Weber, E. (2025). *Ethics in technology* (OER ed.).