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The Dangers of Open Source Licensing

GPL and BSD both offer different things for open source developers: GPL allows you to ensure others can't profit off of your code while BSD lets others use your code for profits as long as you are credited. I am a strong advocate for GPL, but I don't believe BSD should be removed. If a developer wishes to use this license, they should have the freedom to. In this examination, I will explain why I think GPL is the best license for open-source development, show how a commercial license can resolve issues, and lastly, show the harm that open source can cause.

First, I strongly advocate for GPL licensing because it protects developers from companies that rip code with little credit. With GPL, anyone who uses code from the source in their own project must also make their project GPL. If you're creating a passion-driven project such as Blender, GPL is definitely the license for you. You will easily attract contributors since people won't fear their code being stolen. The issue is that anyone can copy your project instead of contributing. GPL only works if you are either actively working on the project daily or have a team of paid employees who can maintain it when you are not. BSD would not suit Blender well since they have commercialized competition such as Autodesk Maya. "Under the terms of BSD-licensed code, anyone may copy or distribute the code or any derived/modified version of the code, and may charge a fee or do this free of charge." (Malone, Katie, and Rich Wolski). Rather than the BSD license attracting contributors, it is the perfect target for commercial companies to take code from.

Second, commercial licensing can solve many of these problems by allowing a user to start with a commercial license. The user can work on their code until they are satisfied, make some money, and then open-source it. Making your project closed source can also protect you from hypocrite commits. A popular case of this was with the University of Minnesota who tried to make a hypocrite commit to the Linux Kernel for security research: “Our goal was to identify issues with the patching process and ways to address them, and we are very sorry that the method used in the ‘hypocrite commits’ paper was inappropriate.” (An Open Letter to the Linux Community). While you can view the pull request, it can sometimes be difficult to see if there is malicious code in it. This resulted in the university getting banned from contributing to the Linux kernel. A commercial license is also a solution to edge-case scenarios dealing with life and death. For example, software that deals with experimental medical equipment that could potentially harm someone, commercial licensing may be the best option here because you have a team of people maintaining the software. Having regulation on these kinds of software can save lives and prevent unnecessary issues.

Lastly, I do believe this is a trolley problem. You either allow people who work with life and death stakes to use whichever license they wish, potentially harming the patient, or have government control that forces that company to use a commercial license (and no one likes more government control). The ACM Code of Ethics calls us to avoid harm: “‘harm’ means negative consequences, especially when those consequences are significant and unjust.” (ACM Code of Ethics and Professional Conduct) Otherwise, developers should have the choice to either make their projects open source or commercialized. Consequently, as computer scientists it is vital we use the correct license for the correct project. If your work is dealing with life and death stakes, going with a commercial license is ethical and should be enforced in order to avoid harm.

Works Cited

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