

The OpenChain Reference Tooling Work Group

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Agenda

| Top | Name | Actors |
|-----|--------------|------------|
| 1. | News | Oliver/All |
| 2. | Next meeting | Oliver |

News



- Philippe created a “room” for the FOSDEM 2024 Fringe: FOSS license and security compliance tools: [Element | aboutcode-org-fosdem-2024](#)
- Dejacode is on GitHub <https://github.com/nexB/dejacode> (AGPL-3.0)
- Shane asked whether we can move to the LFXplatform for our calls: Zoom via LFX platform. We will continue using: <https://conf.fsfe.org/b/compliance-tooling>
- Interview with Bruce Perens „What comes after open source“, „Our licenses aren’t working anymore“ https://www.theregister.com/2023/12/27/bruce_perens_post_open/
- LF published a report on Open Source License Compliance: [OpenSourceLicenseComplianceReport_010224.pdf \(linuxfoundation.org\)](#)

News



- Ruling available in SFC vs. Vizio, Inc. Case type breach of contract:
Ruling: [Order Denying Vizio Motion for Summary Judgement 12-29-23.pdf \(heise.de\)](#)
Explanation: [Will the new judicial ruling in the Vizio lawsuit strengthen the GPL? \(tidelift.com\)](#)
German article: [Gericht: US-Verbraucher können Open-Source-Code einklagen | heise online](#)

SFC-vs-Vizio - Explanation by Luis Villa



In October of 2021 the Software Freedom Conservancy (SFC) decided to launch what is believed to be the first significant open source lawsuit based in contract rather than in copyright. Critically, the SFC's case argued that anyone who benefits from the General Public License (GPL), not just the authors of the software, should be able to bring a lawsuit to enforce the terms of the GPL.

Last week's ruling was primarily about the next important question in the case, what's known as "standing." Courts, for fairly obvious reasons, don't like to have random people in the courtroom. So they have developed the question of standing: do you have the right to even launch the lawsuit at all? In contracts, the question of standing is usually easy: are you one of the parties named in the contract or not?

Third-party beneficiaries add a small wrinkle to this: if a third-party is named in the contract, and the parties who signed the contract intended for that third-party to benefit from the contract, then the third party might have standing.

[Will the new judicial ruling in the Vizio lawsuit strengthen the GPL? \(tidelift.com\)](https://tidelift.com)

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“Allowing third parties such as SFC to enforce their rights to receive source code is not only consistent with the GPLs’ objectives; it is both essential and necessary to achieve these objectives. Recipients of GPL-licensed software will be assured of their right to receive source code only if they have standing to enforce that right.”

SFC has asked the court to rule on whether the contract (the GPL) creates a “legal duty” for Vizio to “share source code with SFC as provided by the GPLs.” In essence, SFC is saying that (given the text of the GPL) the court already has all it needs to know about the nature of the duty, and so if there is a trial, it should be merely about the scope of the duty, not its existence.

If this ruling holds up at the end of the case, the number of potential enforcers just went way up. The limitations on financial claims will (probably) not make this a lucrative line of mass litigation, but a threat letter from the SFC or similar groups will carry much more weight.

[Will the new judicial ruling in the Vizio lawsuit strengthen the GPL? \(tidelift.com\)](https://tidelift.com)

Next Meeting



- 7th of Feb 2024 0900 – 10:00 a.m. CET – I will not be able to moderate this – Marcel was so kind to step in, he will moderate the meeting