

The Hippocratic License 3.0: An Ethical License for Open Source.

Who authored the Hippocratic License 3.0 (HL3)? : 8-10 minutes

Disclaimer: Nothing on this website should be construed as legal advice and it is not intended to be considered legal advice. All information contained on this website is for general informational purposes only. For legal advice, contact an attorney. If you are a software developer and would like to speak to an attorney, free of charge, regarding the use of Hippocratic License 3.0, you may contact Sameeul Haque at sameeul@corpaccountabilitylab.org.

The Organization for Ethical Source worked with our partner organization, [Corporate Accountability Lab](#) (CAL), to create HL3.

Its author is [Sameeul Haque](#), a Staff Attorney at CAL who leads their Ethical IP Program Area. HL3 was developed with consultation and input from other IP attorneys, human rights specialists, and open source community leaders.

Is the Hippocratic License open source? Doesn't it violate the "No Discrimination" and "Fields of Endeavor" clauses of the Open Source Definition?

The canonical "Open Source Definition" states that an open source license must not discriminate against any person or group of persons, or against any field of endeavor, even those which would generally be understood as harmful or dangerous. By design, the Hippocratic License does not conform to these criteria.

Ethical source licenses like HL3 challenge the widespread notion that technology is fundamentally neutral, and that unrestricted access to source code alone is an unqualified social good. HL3 is part of a larger movement calling for an alternative approach to how open software has traditionally been created, shared, and adopted— an approach that empowers technologists to clearly define human-rights-based, ethical constraints on how their software is used.

Our vision for the future of open software is one in which creators understand and actively work to mitigate the harms that may be caused by the misuse or abuse of their work. HL3 calls on those who develop open software to think beyond the freedom of their fellow developers, beyond the freedom of their adopters, and to consider the freedom, in fact the fundamental human rights, of the people who are most impacted by the technologies they create.

Ethics can vary from person to person and place to place, so how can the Hippocratic License be considered ethical by everyone?

The Hippocratic License 3.0 allows open source technologists to articulate and legally enforce a clear set of ethical standards that licensees must abide by in order to adopt their code. These standards were derived from a variety of international agreements and authorities on international human rights norms, including the [United Nations Universal Declaration of Human Rights](#); the [International Covenant on Economic, Social and Cultural Rights](#); the [International Covenant on Civil and Political Rights](#); and the [International Labour Organization](#). These sources are a compilation of international ethical standards agreed upon by the vast majority of nations in the world. We've adopted those principles which can and should be applied to private actors.

How enforceable is the Hippocratic License?

First, it is important to understand what enforcement typically looks like for a licensor seeking to enforce a license and what remedies are normally available. Assuming a licensee has violated the terms of a license and

requests to cease and desist have failed, a licensor can file a lawsuit against a licensee. The primary remedy available to licensors is an injunction. An injunction is a court order that either prohibits a party to a lawsuit from taking a certain action or compels a party to take an action. In the case of software license enforcement litigation, a court would prohibit a licensee from continuing to use the software. There are other remedies that can be available to licensees, but those would be judged on a case-by-case basis.

With respect to Hippocratic License 3.0, until its enforceability is tested in litigation before a court, we cannot say with absolute certainty that the license is enforceable. With that said, to the extent we can say it, Hippocratic License 3.0 is a legally enforceable license. It was written and reviewed by several intellectual property attorneys and enforceability was a top priority during its drafting.

There is no question that there are clauses within Hippocratic License 3.0 that are more experimental than others. However, clauses such as the severability clause (Section 8.3) are designed such that if a particular clause is deemed unenforceable, that clause is stricken by the court and the remainder of the license remains intact, preserving all other rights and remedies available to the licensor.

Additionally, HL3 is the only ethical open source license which creates an enforcement mechanism for victims of human rights abuses, by using licensing language to establish a private right of action for these victims, so long as those abuses are also a violation of the ethical standards section of the license.

Why is the Hippocratic License modular?

While the base version of HL3 covers a broad range of ethical standards that provide a baseline for necessary human rights protections, HL3 also offers optional modules that focus on specific areas of concern, such as environmental justice, labor rights, or ethical supply chains. This modular approach empowers open source communities to [customize the license](#) to reflect the values, needs, and challenges of their particular communities. This approach means that HL3 not only has the most robust human rights protections in the ethical license space, but is also to be highly customizable to reflect the values of individual creators and communities.

Will there be additional modules added to the base license?

OES and CAL will continue to design additional HL3 modules, while also supporting the development of other ethical open source licenses to combat the widespread use and abuse of software to commit human rights abuses around the globe.

What kind of support can CAL and OES provide to adopters & potential adopters?

There are many software developers, maintainers, and industry insiders within the OES community that are ready to provide helpful support and advice on how to implement ethical licenses within open source projects. Additionally, Sameeul Haque is available to offer free legal advice and services to anyone interested in using an ethical license. This includes discussing the pros and cons of any ethical license, walking through the legal implications of using an ethical source license, and modifying existing licenses to suit an adopter's needs.

While there are a wide range of legal services that Sameeul and CAL can offer adopters and potential adopters, at this time CAL is not able to offer litigation services.

Can I relicense an existing open source project under HL3?

Yes, you certainly can, but the new license will not apply to adopters who became a licensee of your software while the code was governed under a different license. This is because the legal system is designed to protect adopters from complications caused by changing the terms of a licensing agreement after the fact, and have those new terms apply to existing licensees.

What about dual-licensing?

As licenses are legally binding contracts, having two contracts governing the licensing of one piece of copyrighted material, in this case code, can be very confusing and potentially lead to complications in the enforceability of either license. While dual-licensing should be examined on a case-by-case basis to determine the legal ramifications of using two licenses, this approach is not recommended.

What projects have adopted the Hippocratic License?

You can view a list of featured adopters [here](#).

Is the Hippocratic License registered with SPDX?

Hippocratic License 2.1 is registered with SPDX at <https://spdx.org/licenses/Hippocratic-2.1.html>. We intend to list HL3 when additional criteria required for its inclusion are met.

How do I annotate the Hippocratic License in project documentation?

Use “*Hippocratic 3.0*” plus the module indicators (e.g. “Hippocratic 3.0 (HL3-ECO)”) for a license configured to include the Ecocode module). Our [license builder](#) will provide you with the specific annotation based on your module selections.

Where can I see previous versions of the Hippocratic License?

The Hippocratic License uses semantic versioning, and URLs for all versions are permanent:

- [1.0](#)
- [1.1](#)
- [2.0](#)
- [2.1](#)
- [3.0](#)