

<Soft**WARE** license>

by Elena Shokhan

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A software license is

a legally binding agreement that specifies the terms of use for an application and defines the rights of the software producer and of the end-user.

License is generally just a permission to use

A software license has similar elements

as that of a contract or an agreement

- **Terms and conditions** – prescribing how the software is to be used or prohibiting certain actions
- **Obligations** – no copying unless permitted by the terms and conditions recited in the license
- **Terms of warranty** and indemnification against any damage caused to data owing to use of software
- **Liability** of each party
- **User's rights** in cases of specific situations or circumstances
- **Geographic restrictions**

Proprietary

Free

Open Source != Free Software

Hybrids

Proprietary:



Use is strictly limited by license and usually there are fees on use. Users cannot modify, distribute or resell the source code.

Salient Features of a Proprietary License

- **Exclusive rights in the software** subsists with the owner / developer / publisher
- **No transfer of right** occurs owing to the license
- **Restricts** inspection, modification of source code and further distribution
- **Freeware** (i.e., no costs) **can be distributed** using proprietary licenses
- Can be used if the source code is a trade secret

Proprietary License

Most used licensing model for commercially available software – End User License Agreement (EULA)

Implemented commonly through:

- **Click-wrap license:** User accepts the terms and conditions of a license through a clickable interface usually at the time of installation
- **Shrink-wrap license:** enclosed along with the packaging of the software



Examples of proprietary software:

Microsoft Windows, Adobe Flash Player, PS3 OS, iTunes, Adobe Photoshop, Google Earth, Mac OS X, Skype, WinRAR, Oracle's version of Java and some versions of Unix.

Free: as a beer = “zero price” (*gratis*)



!= beerware licensed software



“Free as a beer” examples:

Software such as Adobe’s Flash Player and Oracle’s Java. These products are freely available for anyone to use and enjoy, but the user cannot look at the source code and make modifications if they desire.

Free: as a speech =
“with few or no restrictions” (libre)



Free Software Foundation (1980)

defines Free Software as software that user can

- ❖ Run for any purpose (without costs or limitation)
- ❖ Study (requires source code)
- ❖ Distribute (and keep the money)
- ❖ Modify (and distribute modified)

Emphasized on Freedom

When we call software “free,” we mean that it respects the users’ essential freedoms: the freedom to run it, to study and change it, and to redistribute copies with or without changes.

This is a matter of freedom, not price, so think of “free speech,” not “free beer.”



To have the choice between proprietary software packages, is being able to choose your master. Freedom means not having a master. And in the area of computing, freedom means not using proprietary software.

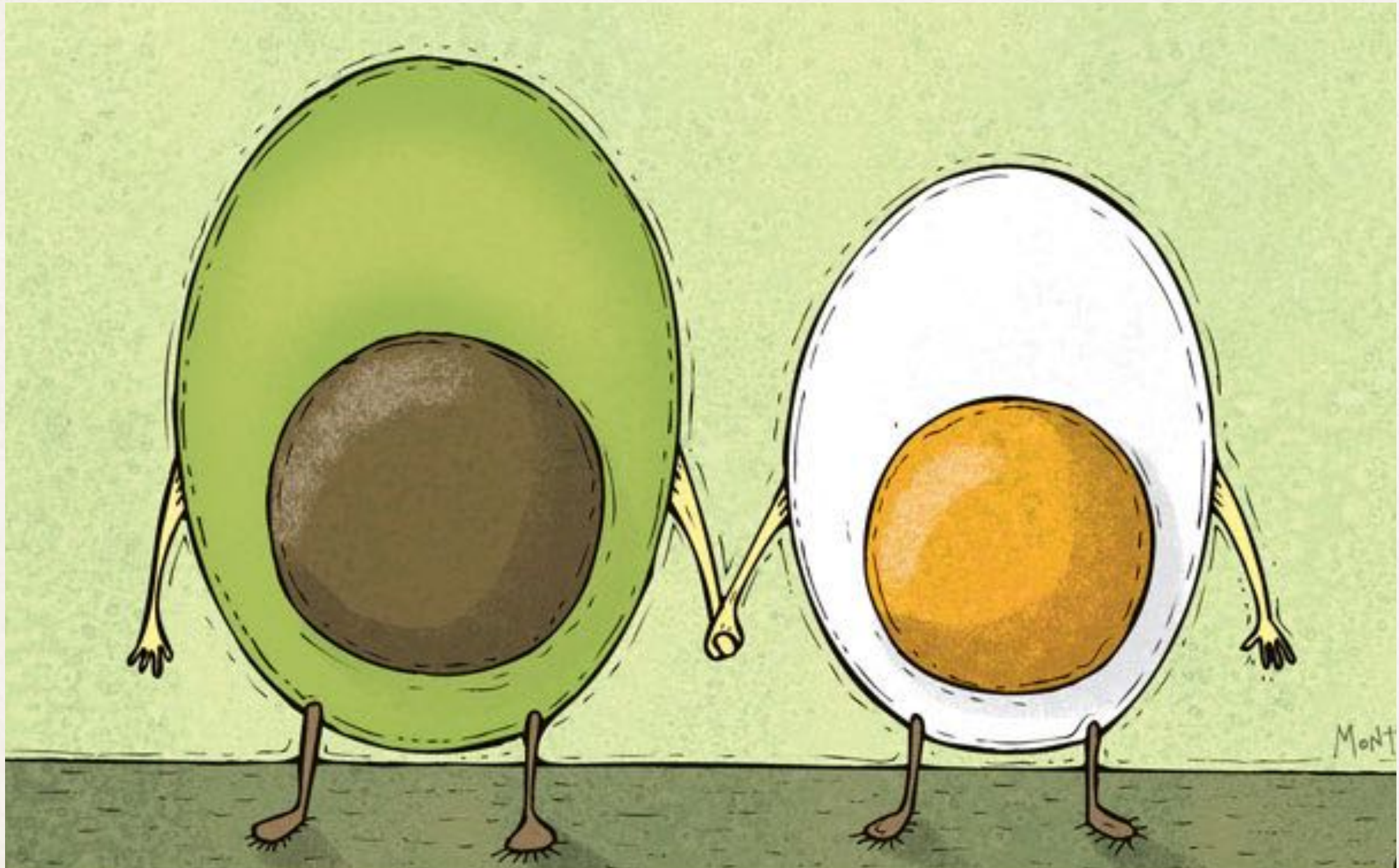
(Richard Stallman)

Open Source Initiative (1998)

- ❖ Free software is a software with source code that is publically available under a license that gives users the right to study, change, and distribute that software.

*Emphasized on
security, cost saving, and transparency.*

FOSS licenses



FSF's *free software* and OSI's *open-source* licenses together are called **FOSS** licenses.

Two types of FOSS licenses:

Permissive Licenses

- Provides very basic requirements for distribution
- Provides a royalty free license to do virtually anything with the source code
- Does not require distribution of source code (or modifications)
- May specifically point out to absence of any warranties
- More open for commercial use
- Examples: Apache, BSD, MIT, W3C, etc.

Two types of FOSS licenses:

Copyleft Licenses

- Provides more exhaustive and restrictive conditions for distribution
- Making source code and binaries available is a must
- Some copyleft licenses may also require that the modifications be clearly indicated
- **Modifications and new code also covered under the copyleft licenses**
- Example: General Public License (GPL), Lesser General Public License (LGPL), Mozilla Public License (MPL), etc.

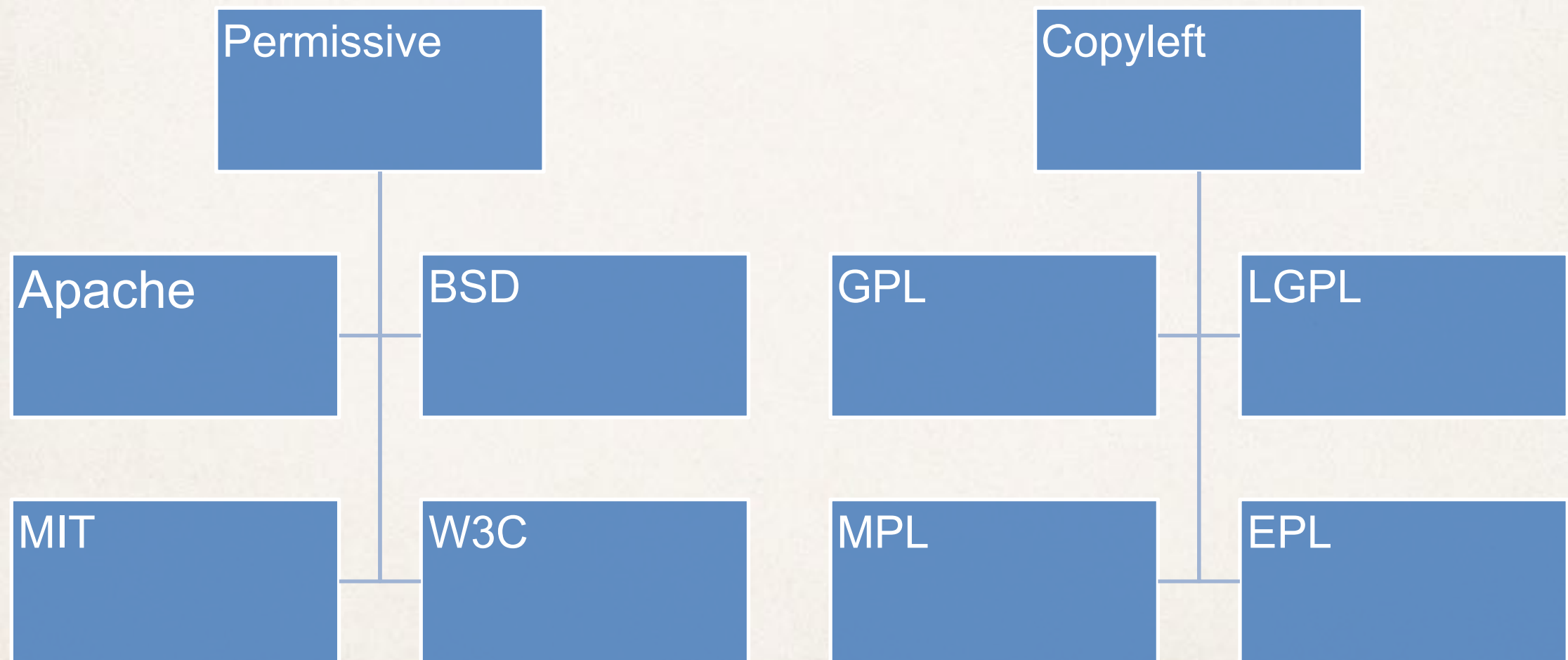
Two types of FOSS licenses:

	Permissive License	Copyleft License
Source Code / Binaries Availability	May / may not provide	Have to provide
Modifications	provide	provide
Attribution	Include in source code only with permission	Include in source code
Notice Requirement	Provide copyright notice	Provide notice about modifications

Two types of FOSS licenses:

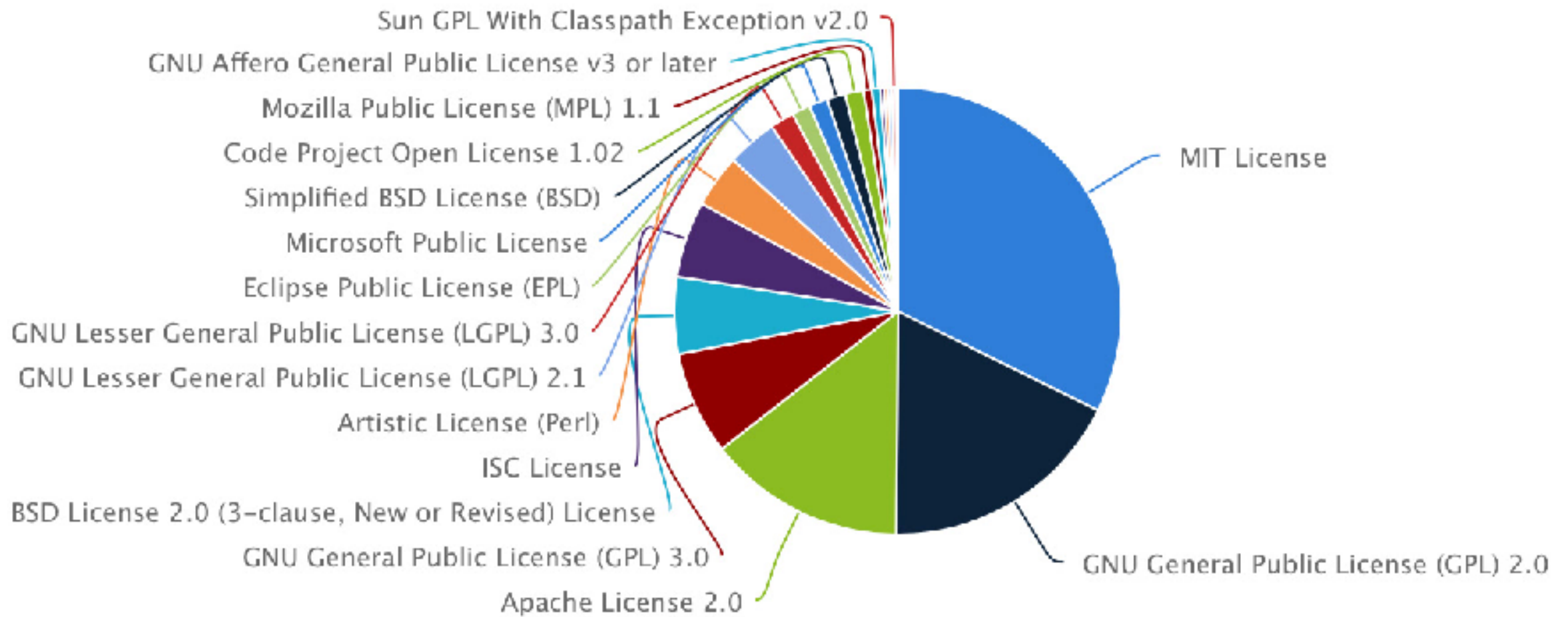
Permissive

Copyleft



List of FOSS licenses





1	MIT License	32%
2	GNU General Public License (GPL) 2.0	18%
3	Apache License 2.0	14%
4	GNU General Public License (GPL) 3.0	7%
5	BSD License 2.0 (3-clause, New or Revised) License	6%

<https://choosealicense.com>

Choose an open source license

{ Which of the following best describes your situation? }



I want it simple and permissive.

The **MIT License** is a permissive license that is short and to the point. It lets people do anything they want with your code as long as they provide attribution back to you and don't hold you liable.

jQuery, **.NET Core**, and **Rails** use the MIT License.



I'm concerned about patents.

The **Apache License 2.0** is a permissive license similar to the MIT License, but also provides an express grant of patent rights from contributors to users.

Android, **Apache**, and **Swift** use the Apache License 2.0.



I care about sharing improvements.

The **GNU GPLv3** is a copyleft license that requires anyone who distributes your code or a derivative work to make the source available under the same terms, and also provides an express grant of patent rights from contributors to users.

Bash, **GIMP**, and **Privacy Badger** use the GNU GPLv3.

GUIDE TO NAVIGATING LICENSING ISSUES IN EXISTING & NEW SOFTWARE

Understanding

OPEN SOURCE & FREE SOFTWARE LICENSING



**Arguing with a woman
is like reading the Software
License Agreement.**



**In the end,
you ignore everything and
click "I agree"**

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