1. Software Licensing

2. 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. All software must be legally licensed before it may be installed.

Software License is a LICENSE for the copyright in the software

* + License is generally just a *permission to use*
  + Does not result in change in ownership
  + Implemented through a legal contract, i.e., subject to terms and conditions

3. 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**

4. Based on the level of limitations or fees on use, study and distribution of intellectual property, licenses are often categorized as

* Proprietary
* free (beer)
* Free (speech)

5. **Proprietary**

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

6. **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
* Violation of the proprietary license amounts to copyright infringement
* **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
* Not affected by first-sale doctrine

7. **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

8. **Examples of proprietary software** include [Microsoft Windows](https://en.wikipedia.org/wiki/Microsoft_Windows), [Adobe Flash Player](https://en.wikipedia.org/wiki/Adobe_Flash_Player), [PS3](https://en.wikipedia.org/wiki/PlayStation_3) OS, [iTunes](https://en.wikipedia.org/wiki/ITunes), [Adobe Photoshop](https://en.wikipedia.org/wiki/Adobe_Photoshop), [Google Earth](https://en.wikipedia.org/wiki/Google_Earth), [Mac OS X](https://en.wikipedia.org/wiki/Mac_OS_X), [Skype](https://en.wikipedia.org/wiki/Skype), [WinRAR](https://en.wikipedia.org/wiki/WinRAR), Oracle's version of [Java](https://en.wikipedia.org/wiki/Java_(programming_language)#Implementations) and some versions of [Unix](https://en.wikipedia.org/wiki/Unix).

9-10. **Free as a beer**

This phrase would apply to software such as Adobe’s Flash Player and Oracle’s Java—both of 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. You also do not have the freedom to distribute the software publicly or submit bug fixes or patches to have them included in the product. Finally, the giver e.g., Adobe and Oracle, is in control over which brand of beer you get and when you get it.

This is not to be confused with [beerware licensed software](http://en.wikipedia.org/wiki/Beerware) in which the user should they meet the developer in person, buy the developer a beer if they find the software “worth it.” Beerware licensed software would still fall under the libre (free as in speech) category of software.

11. **Free as a speech**

On the other hand, “free as in speech” is a matter of liberty and not just the ability to get the software for free. This liberty (libre) gives you four rights that a free beer does not:

* You, as the user, have the right to **run the software however you would like**. Meaning if you have a computer that runs it, great! If you have a phone or calculator that can run the software too, even better.
* You have the right to **seeing how the software actually works**. This would be akin to knowing the secret ingredients in your favorite beer or soft drink. With free beer, the consumer doesn’t have that freedom.
* You are also able to **redistribute the software however you’d like**. Whether that means you would package the software as part of your own program or simply provide a mirror so your friends can download it directly from you.
* You have the **right to improve the program**, assuming you know how to, and submit those improvements so the public can benefit from your efforts.

12. 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

13. Richard Stallman

14. 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.

15. FSF’s [free software](https://en.wikipedia.org/wiki/Free_software_license) and OSI's [open-source](https://en.wikipedia.org/wiki/Open-source_license) licenses together are called [FOSS](https://en.wikipedia.org/wiki/Free_and_open-source_software) licenses.

16. PermissiveLicenses

* Provides very basic requirements for distribution
* Provides a royalty free license to do virtually anything with the source code   
  *Using, copying, modifying, merging, publishing, distributing, sublicensing, and/or selling (MIT)*
* Does not require distribution of source code (or modifications)  
  *Source code may be distributed – would violating the permissive license*
* May specifically point out to absence of any warranties
* More open for commercial use
* Examples include - Apache, BSD, MIT, W3C, etc.

17. 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.

18-19. Two types of FOSS licenses.

21. List of [FOSS](https://en.wikipedia.org/wiki/Free_and_open-source_software) licenses.

22. Resurses