Context

ocabulary

Copyright

. .

Free Softwar

трэ

Classificatio

compatibilit

TP3 et TP4

Good practice

Future 7

Bibliography

Licensing in a software project

Rémi Boulle mail@remiboulle.fr

Your goal

Rémi Boulle mail@remiboulle.fr

Context

ocabula

Copyright

. .

Free Softwar

TD1

Classification

Classification

compatibili

TD2 at TD4

TP3 et TP4

F

Bibliograph and credits

Main goal

Acquire and strengthen your expertise on free software licenses

- History and context
- Different categories of licenses
- Diffusivity and compliance rules
- Auditing your project
- Free software economics

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Context

Context

History

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Context

'ocabula

Copyrigh

Proprietary

Free Softwar

TP:

. .

Classification

compatibilit

TP3 et TP4

Bibliograph and credits GNU project in 1984 by Richard Stallman (RMS)

• GPLv1 : 25th of february 1989

• la technique est un moyen pour atteindre un but social

• 1991 : Minix kernel (just a hobby, won't be big and professional like gnu by Linus Torvalds (LT)

• 1995 : Red Hat (Nasdaq in 1999), Apache license

1998 : release of Netscape source-code (fight back IE.
 Free the lizard, mozilla)

 1998: "Free software" versus "Open Source Software" (OSI). Rebranding the free software movement to emphasize the business potential?





Linus Torvalds



setup arch (cin copies of this ut changing it is not Ge: het you have the freedom to contae of free and there (and there is you which; thus you are colde of can get it if you is it; that you can change the can phanae of it in one there has been and of it in one there to protest your rights, we others from lenging you or asking you to surrender frametoro, you have northle nrtimers in timekeeping init(); sched clock postinit sibilities in you distribute he software, or if you notif intk nmi init(); perf ponsibilities to respect the others. For example, if you refile init(); call function in NRN(!irgs disabled(), "Interior arly boot iros disabled = false te copies of such a unequam catis or for a fee, you must to the recipients the saw that you received. You must they, too, receive or car ce code. And you must show

Communities and organizations

mail@remiboulle.fr

Context

International

Free Software Fondation: https://www.fsf.org/

Open Source Initiative: https://opensource.org/

Linux Fondation : https://www.linuxfoundation.org/

Debian, python, Ubuntu, KDE... communities

Communities and organizations

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Context

ocabulai

copy..g..c

Proprietary

Free Software

TP2

Classification

осорс

TP3 et TP4

and auditing

Future

Bibliograph and credits

International

Free Software Fondation : https://www.fsf.org/

Open Source Initiative: https://opensource.org/

Linux Fondation : https://www.linuxfoundation.org/

Debian, python, Ubuntu, KDE... communities

Europe

France : CNLL : http://cnll.fr/, April :

https://april.org/, Framasoft:

https://framasoft.org/

Free and/or Open Source

mail@remiboulle.fr

Context

Free Software

Social movement, user's essential freedom, free as in freedom. "political and ethical choice asserting the right to learn, and share what we learn with others"

"All freedoms depend on freedom of information and are not more important than other fundamental freedoms, but as life's practices change over to the computer, it will be needed to maintain other freedoms". (RMS)

Open Source

Concerned solely with licensing of source code (not tivoization) : "I think ideology sucks" (Linus Torvalds), pragmatism.

We are always the ideologue of someone... Outdated debate?

Context

Vocabulary

Copyright

Tropiletary

Free Softwar

TP1

TP2

Classification

TD2 -+ TD4

Good practice

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i uture :

Bibliography and credits

Vocabulary

Vocabulary

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Context

Vocabulary

Copyrigh

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Free Softwar

TP:

TP:

Classification Scope

compatibilit

TP3 et TP4

Future ?

Bibliograph and credits • proprietary software but all software have authors.

- Copyleft: we give rights, all modified and extended versions of the program must be free as well, under the same terms. You cannot add restrictions to deny other people freedoms.
- Copyright: legal term describing rights given to creators for their works. Under the Berne Convention, everything written is automatically copyrighted from whenever it is put in fixed form
- Copyleft is not opposed to Copyright but a clever hack

Context

Vocabular

Copyright

Горпесату

Free Softwar

TP1

TP2

Classification

.....

TD2 -- TD4

Cood practic

uture ?

Bibliography

Copyright

Copyright

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Copyright

With the creation authors obtain intellectual property rights.

- Economic right : right to exploit the work
 - permit or prohibit the fixation and reproduction of his or her work
 - translation, arrangement, adaptation and alteration of the work
 - distribution of the original or copies
 - Related rights
- Moral right
 - right to protect their personal connection with the work

Copyleft is not opposed to copyright

Free and proprietary software copyright.

EU directive

Only the expression of a computer program is protected and that ideas and principles which underlie any element of a program, including those which underlie its interfaces, are not protected by copyright.

Context

cabulary

Copyright

Proprietary

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TP1

IP2

Classification

TD2 . TD4

Good practice

iture ?

Bibliography

Proprietary

Proprietary software

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Context

'ocabula

Proprietary

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Free Softwar

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Classificati

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compatibili

TP3 et TP4

Good practic

Future

Bibliograph and credits General principle : limit against use, distribution and modification. Used by end-users under predefined conditions.

Definition: proprietary software

Software who does not offer at least one of the 4 freedoms of free software.

Proprietary software

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Context

ocabular

Copyright

Proprietary

Free Software

TP2

Classificati

C -----

compatibilit

TP3 et TP4

Future 1

Bibliograph and credits General principle: limit against use, distribution and modification. Used by end-users under predefined conditions.

Definition: proprietary software

Software who does not offer at least one of the 4 freedoms of free software.

Michel Rocard, 2002, patent battle: 648 no, 14 yes, 18 abs

Creation, freedom, innovation were on the side of free software. The pursuit of profit, and above all the rent, the desire to restrict competition, and to restrain the external innovations, were on the side of big industry.

Governance?

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Context

ocabulary

Copyrigh

Proprietary

Free Softwar

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Classificatio

TP3 et TP

F.

Bibliograph

If you can not enter through the door, go in through the window!

Who is in charge of governing which free software project ? Just asking...

Context

Vocabulary

Copyright

_

Free Software

Classification

_

compatibilit

TP3 et TP4

Good practice

utura 7

Bibliography

Free Software

Free Software

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Context

ocabular

Copyright

Proprietor

Free Software

Free Softwa

TP:

TP2

Classification

....

compatibility

TP3 et TP4

Future 3

Bibliograph and credits

General principle

Free as in freedom. Source code as to stay free.

Their main difference: modalities of redistribution

- redistribution sous n'importe quelle license : liberté totale
- redistribution sous les mêmes termes : empêcher de tirer bénéfice du logiciel sans reverser en retour sa propre oeuvre dérivée.

Definition: free software

A program is free software if the **program's users** have the four essential freedoms.

freedom 0: freedom to run the program

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Context

ocabular

Copyright

Free Software

Free Softwa

TP:

Classification

_

compatibility

TP3 et TP4

Eutura 2

Bibliograph and credits Absolute freedom to run by anyone without any restriction

 A work produced with a free software doesn't have to be free

- Some production made by a free software could been seen as a derivative work (compiler mostly).
- What about SaaS ?

Principe

it is the user's purpose that matters, not the developer's one.

Quick question: Is JSON license free? http://www.json.org/license.html

freedom 1: freedom to study

Rémi Boulle mail@remiboulle.fr

Context

ocabula)

Copyrigh:

Free Software

TP:

CI

compatibilit

TP3 et TP4

Euturo 2

Bibliograph and credits study without any obstacles (technicals, rights...)

 includes the freedom to use your changed version in place of the originalfreedom d'étude

- Not obliged to give source code with binaries (by pragmatsim)
- Source code should be made available for free or at a low cost
- Source code available for at leats 3 years (GPLv3)

Principe

Again, it is the user's purpose that matters, not the developer's one

freedom 2: freedom to modify

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Context

ocabula

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Free Software

TP1

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Classification

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compatibility

TP3 et TP

Future ?

Bibliograph and credits

- absolute freedom. Only restrictions when distribution.
- Preserve copyritht ownership (Berne convention)
- Identify contributions

Principe

Always, it is the user's purpose that matters

freedom 3: freedom to redistribute

mail@remiboulle.fr

Anyone, anywhere (export control, trade sanctions...)

- Conditions of redistribution: main difference between all free software licenses:
 - Strong Copyleft
 - Weak Copyleft
 - Copyfree
- Always identify contributors (Berne convention)
 - Preserve original authors' reputation

Principle

User's purpose and mostly necessary condition for the thre others freedoms.

When does license apply?

Redistribution triggers!

Exception : APGL

Free Software

Context

ocabulary

Copyright

Proprietary

Free Softwar

TP1

TP2

Classification

C ____

compatibility

TP3 et TP4

Good practice

uture ?

Bibliography

TP1

Study the four "freedoms" of proprietary softwares

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Context

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Copyrigh

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Free Softwar

Classification

compatibility

TP3 et TP4

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Bibliograph

By groups of 3, in 45 minutes:

- open a framapad
- analyse for each of the 4 freedoms their transposition with proprietary software.
- the sharing of works will be made on a common pad

General guideline

Always give relevant references

Context

ocabulary

Copyright

Proprietar

Eron Softwar

TD1

TP2

Classification

Scope

compatibility

TP3 et TP4

Good practice

uture ?

Bibliography

TP2

Free Software and corporations?

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Context

ocabular

Copyrigh

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Free Softwar

TP

...

Cl .c ..

Ciassificatio

Compatibilit

TP3 et TP

F

Bibliograph

- Is there a particular governance with free software in the corporations you know or you work at ?
- Do you use free licensed librairies for your company projects?

We will share all replies onto the given pad.

Context

ocabular\

Copyright

Froprietary

Eron Softwar

TP1

TP2

Classification

_

Compatibilit

TP3 et TP4

Good practice

uture 7

Bibliography

Classification

Diffusive license

mail@remiboulle.fr

Classification

Main purpose

Prevent to extract value from free software without giving back own contributions.

Definition (Pellegrini, Canevet)

Copyleft free software license where every contribution using a code under this licensed is subjected to the same terms.

Also know as **strong copyleft**.

Less relevant terms: "viral licenses", "contaminants" (terms to avoid ideology inside...).

Examples: GNU GPL, CeCILL(A)....

Strategically **expansionnary**.

Persistant license

mail@remiboulle.fr

Classification

Main purpose

Prevent any privatization of the work without applying to derivative works.

Definition (Pellegrini, Canevet)

Copyleft free software license not preventing the use of works placed under their terms with others works under other under licenses (including proprietary ones)

Also known as **weak copyleft**, sustainable licenses. Mostly for libs.

Exemple: GNU LGPL Strategically defensives.

Evanscent license

mail@remiboulle.fr

Classification

Main purpose

Absolute freedom!

Definition (Pellegrini, Canevet)

Free software license without copylefeft which autorize distribution of software without its source code

Also knwon as copyfree

A less rigorous term: permissive licences

Examples: BSD (BSD 4 clauses, BSD 3, BSD 2), MIT,

Apache, CeCILL-B...

Strategically proselytes.

Context

Vocabulary

Copyright

Proprietary

Free Softwar

TP1

TP2

Classification

Scope

compatibility

TP3 et TP4

Good practice

iture 7

Bibliography

Scope

What is the scope of free software licenses?

Rémi Boulle mail@remiboulle.fr

Contex

ocabulai

Copyright

Proprietary

Free Softwar

TP1

...2

Classification

Scope

Compatibility

TP3 et TP4

F.

Bibliograph and credits

Problematic

How do the obligations of the license spread for a given contribution?

General idea

Follow the intent/spirit of the initial license

- copyleft: keep the code free (more or less)
- copyfree : No obligation to distribute the source

Even a diffusive does not have an unlimited spread!

Limits of diffusive licences

Rémi Boulle mail@remiboulle.fr Spread is not at all absolute ! (Linux is GPLv2 only...)

General purpose of diffusive licenses

- Counterparty
- Coexistence
- Ascending diffusivity if derivate work based upon original code. Libs and system call (libc is LGPL, Linux is GPLv2 only)?
- Descending diffusivity: drivers = derivative work? (use of wrappers)

When is it a derivate work ? Need to study substitutability (link is generic or specific ?)

Good pra and audit

Scope

Future ?

Bibliography and credits

Scope

Scope of those licenses is defined by substituability...

Limits of persistant licenses

Rémi Boulle mail@remiboulle.fr

Three cases :

- work using...: If work could be considered as only using the covered work, no obligations (except statically linked, read license)
- combined work (reverse-ingenierie and not combined version)
- internal modification of the covered work

Preserve the functional scope of the covered work to avoid subversion... (cf MPL, quite easy to subvert) The scope is defined functionnaly

Scope

The scope of the license is the interface.

Contex

ocabular/

Copyright

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Tree Softwar

TP:

Classification

Scope

compatibility

TP3 et TP4

Future ?

Future ?

Bibliography and credits

Use of evanescents license

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Context

ocabula

Copyrigh

. ropricedly

Free Softwar

TP:

TP2

Classification

Scope

compatibility

TP3 et TP4

and auditing

Future

Bibliograph and credits

Main purpose of evanescent licenses

No obligation to distribute source code with object code.

Scope

The scope of the license is the file.

Again, read the license (SMOG index, see further)

Context

cabulary

Copyright

Proprietar

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TD

Classification

compatibility

TD2 of TD4

and auditing

uture ?

Bibliography

compatibility

What are the compatibilities between licenses?

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Context

ocabulary

Copyright

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Free Software

TP1

TP2

Classification

Scope

compatibility

TP3 et TP

Good practi

Future 3

Bibliograph and credits

Definition: incompatible licenses

licenses which impose contradictoy obligations..

license B is compatible with license A if :

- rights of B are included in rights of A
- obligations of A are included in those of B

What are the compatibilities between licenses?

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compatibility

Definition: incompatible licenses

licenses which impose contradictoy obligations..

license B is compatible with license A if:

- rights of B are included in rights of A
- obligations of A are included in those of B

nemo plus juris

No one can transfer more rights to others than he has ..

Diffusive licenses are by nature incompatible between them ...

Compatibility explained in one table

Rémi Boulle mail@remiboulle.fr

Your code = some code + A + B. Can you distribute it?

Possible.

tion under terms of B

Code B Diffusive Persistant Evanescene Code A Impossible Impossible Possible distribution exex-Diffusive cept compatibility cept compatibility under same terms of exception exception Α Possible. Distribu-Possible. Distribution OK without covtion OK without A li-Impossible exering it with A and B cense to cover your Persistant cept compatibility licenses if each modcode and B and if exception ule is distributed un-A is distributed under his own licence der his license Possible Distribu-

Distribu-

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B license if B is dis-

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compatibility

TP3 et TP4

TP3 et TP4

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Future 7

Bibliograph and credits Possible.

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Context

cabulary

Copyright

Proprietary

Eron Softwar

TP1

TP:

Classification

TP3 et TP4

Cood practice

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Bibliography and credits

TP3 et TP4

Read and analyse licences. At last!

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Context

ocabula

Copyrigh

Troprictary

Free Softwar

TP:

TP2

Classification

Эсорс

compatibilit

TP3 et TP4

and auditing

Future '

Bibliograph and credits The SMOG grade is a measure of readability that estimates the years of education needed to understand a piece of writing. SMOG is an acronym for Simple Measure of Gobbledygook. According to Alexios Zavras, average SMOG grade is 17. Some over 25...

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TP3 et TP4

By groups of 2/3 students and into the given document (GPLv3) read and comment (1h max) :

- no paraphrasing. Your little brother/sister would have to understand
- explain what are: software patents, DRM, Anti-Circumvention Law...
- explain why this license take this in charge
- try to compare with others free software licenses (MIT, Apache, LGPL, AGPL...)

Each group will have to teach randomly chosen parts of the GPLv3 to the whole group.



3 questions

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Context

ocabulary

Copyrigh

Free Softwa

TP:

TP2

Classificatio

Scope

compatibilit

TP3 et TP4

and auditing

Future '

Bibliograph and credits

By groups of 2/3 students :

- Draw by lot 3 questions.
- TEach group will have to teach his answers to the whole groupe in 10 minutes max.

Context

cabulary

Copyright

Proprietary

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TD1

TP2

Classification

Scope

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TP3 et TP4

Good practice and auditing

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Bibliography

Good practice and auditing

Some good practice

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Context

'ocabular

Copyrigh

Горпесату

Free Softwar

TDA

Classification

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compatibilit

TP3 et TP4
Good practice

and auditing

Bibliography and credits DO NOT remove existing copyrights mentions!

Manage diffusivity

Respect formalism of each license

 Think license at the very beginning of the project and all along it!

 You will need to only lawyers... But also skillful profiles (not very common)

If not:

 emergency rewrite of the covered code (worst case scenario)

delays in project delivery

 license violation (court, image of the company, clients loss of trust...hell)

Auditing, what for ?

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Context

ocabular/

Copyrigh

rroprietary

Free Softwar

TD1

Classification

Scope

compatibilit

TP3 et TP4
Good practice

and auditing
Future ?

Bibliograph and credits

Selon Black Duck Software:

- 30% of companies code source are free software
- 98% of companies don't know that...



Marketing of *fear* but : Double constraint :

- legally: compatibilities (proprietary licences with free ones, free between them...)
- technically: security breaches of any external component (HeartBleed in OpenSSL, ...)

Security breaches

Luckily, it was free software....

Auditing, how?

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Context

cabulary

Copyrigh

Troprietary

Free Softwar

TP.

TP2

Classificatio

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compatibilit

TP3 et TP4

Good practice and auditing

Future ?

Bibliography

 $\label{eq:grep} \mbox{grep and essentially three solutions}...$

BlackDuck

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Context

ocabula

Copyrigh

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TP:

172

Classification

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compatibilit

TP3 et TP

Good practice and auditing

Future '

Bibliograph and credits founded by former Microsoft managers.

- Open Source Application Security
- Open Source Compliance and Management

https://www.blackducksoftware.com/

FOSSology

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Context

ocabular

Copyright

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Free Softwar

TP1

TP2

Classification Scope

compatibilit

TP3 et TP4
Good practice

and auditing

Bibliograph and credits

FOSSology

License compliance software system and toolkit.

- As a toolkit you can run license, copyright and export control scans from the command line.
- textitAs a system, a database and web ui are provided to give you a compliance workflow. License, copyright and export scanners are tools available to help with your compliance activities.

https://github.com/fossology/fossology



Concluded

License -

Count

Folder: test-incoming/ linux-3.16.39.tar.xz/linux-3.16.39 25 V licenses

Display

Scanner

Count 1

14134

10260

3467

1744

954

670

582

570

500

379

325

108

83

66

61

55

44

43

40

22

21

listina.

Summary

Unique licenses

Unique scanner detected

Showing 1 to 25 of 88 licenses

License Name

0 | GPL-2.0

GPL

MIT

WehM

BSD-style

LGDL-2 1+

Public-domain

See-doc.OTHER

See-file.COPYING

GPL-2.0-with-GCC-exception

See-file README

Sun(tm)

See-file

BSD

LGPI

MPI-1 1

LGPL-2.0+

GPL-1.0

Hint: Click on the license name to search for where the license is found in the file

88 47422 Files

0 | LGPL-2.1

GPI -2 0+

MIT-style

Dual-license

BSD-3-Clause

BSD-2-Clause

See-file.LICENSE

Home Search Browse Upload Jobs Organize Admir

Clear

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Display

Files

arch

block

crypto

drivers

firmware

include

init

ipc

kernel

fe

Previous Next >

Documentation

-- filter for scan results --

Cryptogams, Dual-license, GPL, GPL-1.0, GPL-1.0+, GPL-2.0, GPL-2.0+, GPL-2.0+-with-classpath-exception, GPL-2.0-with-GCC-exception, HP-DEC,

MIT-style, Motorola, No license found, OpenSSL, Public-domain, Public-

domain(C), See-file, See-file.COPYING, See-file.README, See-URL,

BSD-3-Clause, BSD-style, Dual-license, GPL-2.0, GPL-2.0+, MIT-style,

No license found, Public-domain, Public-domain(C), U-Michigan, WebM

See-URL, Trademark-ref, UnclassifiedLicense, WebM, X11-possibility

GPL-2.0, GPL-2.0+, GPL-2.1[sic], GPL-3.0+, GPL-possibility, HPND,

Adaptec-GPL, AGPL-1.0, BSD, BSD-3-Clause, BSD-possibility, BSD-style, CC-BY,

Docbook, Dual-license, GFDL, GFDL-1.1+, GPL, GPL-1.0, GPL-2.0, GPL-2.0+,

Non-commercial, NOT-public-domain, Public-domain, See-doc.OTHER, See-file,

Clause-UC, BSD-possibility, BSD-style, CMU, CMU-style, Cryptogams, DPTC,

GPL-2.0-with-classpath-exception, GPL-3.0+, GPL-possibility, HP-possibility, IJG,

Intel-EULA, Intel-WLAN, LGPL, LGPL-2.0+, MIT-style, MS-LPL, No license found,

Apache-2.0, BSD, BSD-2-Clause, BSD-2-Clause-FreeBSD, BSD-3-Clause, BSD-4-

Dual-license, FSF, GFDL-1.1, GFDL-1.1+, GFDL-1.2, Google-BSD, GPL, GPL-1.0,

HP-possibility, IBM-possibility, ISC, LGPL, LGPL-2.0+, LGPL-2.1, LGPL-2.1+, MIT, MIT-style, MPL, MPL-1.1, No license found, Not-for-sale, NRL, NTP, PostgreSQL,

Public-domain, See-doc.OTHER, See-file, See-file.COPYING, See-file.LICENSE,

LGPL-2.0+, LGPL-2.1+, MIT-style, No license found, See-doc.OTHER, See-file,

BSD. BSD-2-Clause, BSD-2-Clause-FreeBSD, BSD-3-Clause, BSD-possibility. BSD-style, CMU, Cryptogams, Dual-license, GFDL-1.1+, Google-BSD, GPL.

GPL-2.0, GPL-2.0+, LGPL, LGPL-2.0, LGPL-2.0+, LGPL-2.1, LGPL-2.1+, MIT.

GPL, GPL-2.0, GPL-2.0±, LGPL, LGPL-2.0+, No_license_found, See-file,

MIT-style, MPL, MPL-1.1, No license found, NTP, Public-domain, RedHat, See-file, See-file.COPYING, See-file.LICENSE, WebM, Zlib, Zlib-possibility

See-file.COPYING, See-file.LICENSE, See-URL, U-Michigan, UnclassifiedLicense,

See-file.README, See-URL, Sun-possibility, Sun(tm), WebM, X11, XFree86

BSD-3-Clause, BSD-style, GPL, GPL-2.0, GPL-2.0+, Keyspan-FW, MIT,

BSD-3-Clause, BSD-style, Dual-license, GPL, GPL-2.0, GPL-2.0+, LGPL,

HP-possibility, IBM-possibility, LGPL, LGPL-2.0, LGPL-2.0+, LGPL-2.1+, MIT,

Algorithmics, BSD, BSD-2-Clause, BSD-3-Clause, BSD-3-Clause-Clear, BSD-style,

Edited Resi

Scanner Results (N: nomos, M: monk, Nk: ninka)

Unclassified icense, WebM

No license found, WebM

GPL-2.0, No license found, See-file

GPL, GPL-2.0, GPL-2.0+, No license found

WehM

GPL-2.0, GPL-2.0+, No license found

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Scancode toolkit

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Context

ocabula

Copyrigh

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Free Softwar

TD

Classification

Scope

compatibility

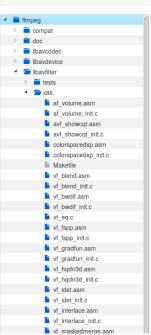
TP3 et TP

Good practice and auditing

Future

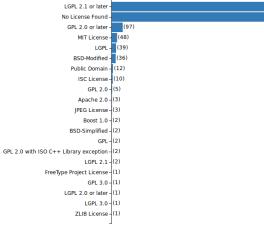
Bibliograph and credits ScanCode is a suite of utilities used to scan a codebase for license, copyright, and other interesting information that can be discovered in files.

A typical software project often reuses hundreds of third-party components. License and origin information is often scattered and not easy to find: ScanCode discovers this data for you. https://github.com/nexB/scancode-toolkit



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Scope

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Future ?

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Future?

reciprocity license

mail@remiboulle.fr

Preliminary: we need qualified legal experts.

Problems

- 70% of Linux contributions come from just a few big coroporations (name them).
- Wikipedia dépends on Google.
- etc
- is it still "owned" by the community ?

What could we do?

- "Peer Production license" (copyfarleft)
- "Commons reciprocity license"
- "Fair source"
- license = wrong path ? Proper laws instead ?

Future ?

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 F.Pellegrini et S.Canevet, PUF 2013.
- "Option libre. Du bon usage des licenses libres", B.Jean, Framabook 2012.
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Websites:

- http://gplv3.fsf.org/
- https://copyleft.org/guide/
- http://april.org/en

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