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## Licensing in a software project

Rémi Boulle mail@remiboulle.fr

### Your goal

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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

mail@remiboulle.fr

Context

## Context

## History

#### Rémi Boulle mail@remiboulle.fr

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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

## 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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#### 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?

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# Vocabulary

## Vocabulary

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- 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 to offer a legal protection for free sharing.

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# 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.

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# Proprietary

### Proprietary software

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Future 1

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

### Definition: proprietary software

Software who limits one or more of the 4 freedoms of free software.

### Proprietary software

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

### Definition: proprietary software

Software who limits one or more 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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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...

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## Free Software

### Free Software

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Bibliograph

### General principle

Free as in free speech, not as in free beer. Source code is free.

Their main difference : modalities of redistribution

- redistribution but code must stay free : user's should receive a copy of the code under the same terms
- e redistribution but code must stay free : user's are not guaranteed to receive a copy

#### 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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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

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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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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

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 again and mostly necessary condition for the three others freedoms.

### When does license apply?

Redistribution triggers!

Exception: APGL where it is

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## Study the four "freedoms" of proprietary softwares

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By groups of 3, in 45 minutes:

- open a framapad/etherpad
- taking examples, analyse how proprietary software limits one or more of the 4 freedoms.
- the sharing of works will be made on a common pad

### General guideline

Always give relevant references

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## Free Software and corporations?

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- 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.

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## Classification

### Diffusive license

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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.

### Permissive 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**.

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Scope

### What is the scope of free software licenses?

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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

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### Scope

Scope of those licenses is defined by substituability...

### Limits of persistant licenses

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#### 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

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## Use of permissive license

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#### Main purpose of permissive 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)

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# compatibility

## What are the compatibilities between licenses?

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## 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

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

Code B	Diffusive	Persistant	Permissive
Diffusive	Impossible ex- cept compatibility exception	Impossible ex- cept compatibility exception	<b>Possible</b> distribution under same terms of A
Persistant	Impossible except compatibility exception	Possible. Distribu- tion OK without cov- ering it with A and B licenses if each mod- ule is distributed un- der his own licence	Possible. Distribution OK without A license to cover your code and B and if A is distributed under his license.
Permissive	Possible. Distribution under terms of B	Possible. Distribu- tion OK without cov- ering it and A with B license if B is dis- tributed under his li- cense	Possible. No diffusivity.

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## TP3 et TP4

## Read and analyse licences. At last!

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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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#### 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.

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# Good practice and auditing

## Some good practice

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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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#### 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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grep and essentially three solutions...

#### BlackDuck

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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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#### **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 Admi

50 V files (tree view or flat)

-- 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,

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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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Scope

compatibility

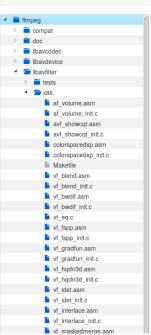
TP3 et TP

Good practice and auditing

Future

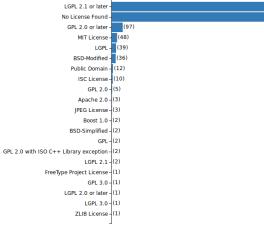
Bibliograph and credits ScanCode is a suite of utilities used to scan a codebase for license, copyright, and other interesting information that can be discovered in files.

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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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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Bibliography and credits

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Bibliography and credits

## Bibliography (in french):

- "Droit des logiciels, logiciels proprietaires, logiciels libres",
   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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• SMOG grade: Zavras, Alexios (2016) 'Twenty-five years of school? Analysis of Free and Open Source software license texts', International Free and Open Source Software Law Review, 8(1), pp 29 – 44 DOI: 10.5033/ifosslr.v8i1.111

- Logo GPLv3, license GFDL : http://www.gnu.org/graphics/license-logos.html
- The Scream by Edward Munch, Public domain: https://commons.wikimedia.org/wiki/File: The\_Scream.jpg

## <u>license</u>

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