Licensing in a software project

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Your goal

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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

History

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- 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 ?


THE LINUX FOUNDATION
Linus Torvalds
KERNEL SUMMIT


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distribute verbatim copies of this
document, but changing it is not
allowed.
Preamble. The GNU General Public License
is a free, copyleft license for software
and other kinds of works. The licenses
for most software and other practical
works are designed to take away your
freedom to share and change the works.
By contrast, the GNU General Public
License is intended to guarantee your
freedom to share and change all versions
of a program--to make sure it remains
free software for all its users. We, the
Free Software Foundation, use the GNU
General Public License for most of our
software; it applies also to any other
work released this way by its authors.
You can apply it to your programs, too.
When we speak of free software, we are
referring to freedom, not price. Our
General Public Licenses are designed to
make sure that you have the freedom to
distribute copies of free software (and
charge for them if you wish), that you
receive source code or can get it if you
want it, that you can change the
software or use pieces of it in new free
programs, and that you know you can do
these things. To protect your rights, we
need to prevent others from denying you
these rights or asking you to surrender
the rights. Therefore, you have certain
responsibilities if you distribute
copies of the software, or if you modify
it: responsibilities to respect the
freedom of others. For example, if you
distribute copies of such a program,
whether gratis or for a fee, you must
pass on to the recipients the same
freedoms that you received. You must
make sure that they, too, receive or can
get the source code. And you must show
them these terms so they know their
rights.
boot_cpu_init();
setup_arch(&command_line);
mm_init_cpumask(&init_mm);
setup_command_line(command_line);
setup_nr_cpu_ids();
setup_per_cpu_areas();
boot_cpu_state_init();
smp_prepare_boot_cpu();
build_all_zonelists(NULL, NULL);
page_alloc_init();
pr_notice("Kernel command line: %s\n",
parse_early_param();
after_dashes = parse_args("Booting kernel",
static_command_line, __start___param,
__stop___param - __start___param,
-1, -1, NULL, &unknown_bootoption);
if (!IS_ERR_OR_NULL(after_dashes))
parse_args("Setting init args", after_dashes,
NULL, 0, -1, -1, NULL, set_init_arg);
jump_label_init();
setup_log_buf(0);
pidhash_init();
vfs_caches_init_early();
sort_main_extable();
trap_init();
mm_init();
sched_init();
preempt_disable();
if (WARN(!irqs_disabled(),
"Interrupts were enabled *very* early, fixing it\n"))
local_irq_disable();
idr_init_cache();
rcu_init();
trace_init();
context_tracking_init();
early_irq_init();
init_IRQ();
tick_init();
rcu_init_nohz();
init_timers();
hrtimers_init();
softirq_init();
timekeeping_init();
time_init();
sched_clock_postinit();
printk_nmi_init(); perf_event_init();
profile_init(); call_function_init();
WARN(!irqs_disabled(), "Interrupts were
early_boot_irqs_disabled = false;
kmem_cache_init_late();
kernel_init_freeable();
async_synchronize_full();
free_initmem();
mark_readonly();
system_state = SYSTEM_RUNNING;

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

Communities and organizations

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Europe

France : CNLL : `http://cnll.fr/`, April : `https://april.org/`, Framasoft : `https://framasoft.org/`

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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

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Copyright

Copyright

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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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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.

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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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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

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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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- 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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- 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

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

Principe

Always, it is the user's purpose that matters

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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 !

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TP1

Study the four "freedoms" of proprietary softwares

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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

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TP2

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.

Classification

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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**.

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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

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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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

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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 ?)

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.

Use of evanescents license

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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)

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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

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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

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 A \ Code B	Diffusive	Persistant	Evanescene
Diffusive	**Impossible** except compatibility exception	**Impossible** except compatibility exception	**Possible** distribution under same terms of A
Persistant	**Impossible** except compatibility exception	**Possible**. Distribution OK without covering it with A and B licenses if each module is distributed under his own licence	**Possible**. Distribution OK without A license to cover your code and B and if A is distributed under his license.
Evanescente	**Possible**. Distribution under terms of B	**Possible**. Distribution OK without covering it and A with B license if B is distributed under his license	**Possible**. No diffusivity.

TP3 et TP4

Read and analyse licences. At last !

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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...

GPLv3

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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- 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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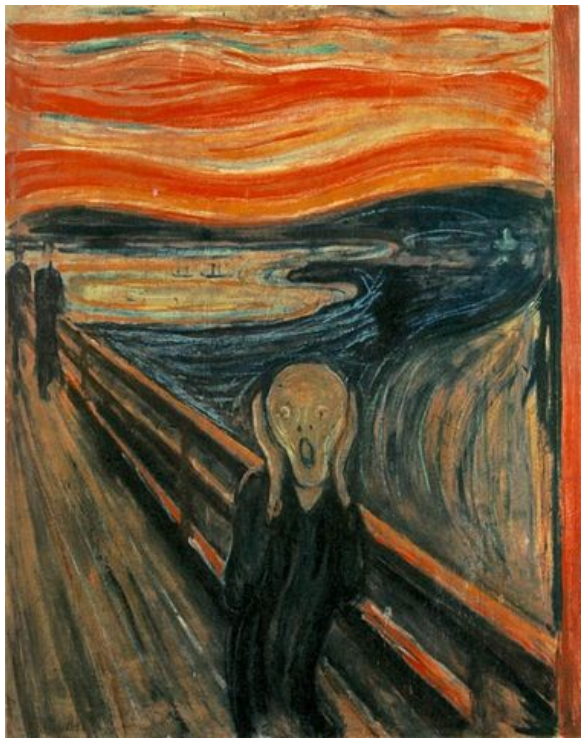
Selon *Black Duck Software* :

- 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...

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founded by former Microsoft managers.

- Open Source Application Security
- Open Source Compliance and Management

`https://www.blackducksoftware.com/`

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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`

License Browser

Version: [3.1.0rc2], Branch: [master], Commit: [#ce48e5] 2017/03/13 15:48 UTC built @ 2017/03/13 21:11 UTC

Folder: test-incoming/
linux-3.16.39.tar.xz/linux-3.16.39

Display 25 licenses Clear

Scanner Count	Concluded License Count	License Name
14134	0	GPL-2.0
10260	0	GPL-2.0+
3467	0	GPL
1744	0	MIT-style
954	0	MIT
670	0	Dual-license
582	0	BSD-3-Clause
570	0	BSD-2-Clause
500	0	WebM
379	0	BSD-style
325	0	Sun(tm)
108	0	See-file.LICENSE
83	0	LGPL-2.1+
82	0	See-file
66	0	BSD
61	0	Public-domain
57	0	See-doc.OTHER
57	0	LGPL
55	0	MPL-1.1
44	0	See-file.COPYING
43	0	See-file.README
40	0	LGPL-2.0+
22	0	GPL-2.0-with-GCC-exception
22	0	GPL-1.0
21	0	LGPL-2.1

Showing 1 to 25 of 88 licenses ◀ Previous Next ▶

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

Summary

Unique licenses	88	47422	Files
Unique scanner detected	99	1	Unique concluded licenses

Display 50 files (**tree view** or flat)

-- filter for scan results --

Files	Scanner Results (N: nomos, M: monk, Nk: ninka)	Edited Resu
arch	Algorithmics, BSD, BSD-2-Clause, BSD-3-Clause, BSD-3-Clause-Clear, BSD-style, 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, HP-possibility, IBM-possibility, LGPL, LGPL-2.0, LGPL-2.0+, LGPL-2.1+, MIT, MIT-style, Motorola, No_license_found, OpenSSL, Public-domain, Public-domain(C), See-file, See-file.COPYING, See-file.README, See-URL, UnclassifiedLicense, WebM	
block	GPL-2.0, GPL-2.0+, No_license_found	
crypto	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	
Documentation	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+, 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, Non-commercial, NOT-public-domain, Public-domain, See-doc.OTHER, See-file, See-URL, Trademark-ref, UnclassifiedLicense, WebM, X11-possibility	
drivers	Apache-2.0, BSD, BSD-2-Clause, BSD-2-Clause-FreeBSD, BSD-3-Clause, BSD-4-Clause-UC, BSD-possibility, BSD-style, CMU, CMU-style, Cryptogams, DPTC, Dual-license, FSF, GFDL-1.1, GFDL-1.1+, GFDL-1.2, Google-BSD, GPL, GPL-1.0, GPL-2.0, GPL-2.0+, GPL-2.1[sic], GPL-3.0+, GPL-possibility, HPND, 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, See-file.README, See-URL, Sun-possibility, Sun(tm), WebM, X11, XFree86	
firmware	BSD-3-Clause, BSD-style, GPL, GPL-2.0, GPL-2.0+, Keyspan-FW, MIT, No_license_found, WebM	
fs	BSD-3-Clause, BSD-style, Dual-license, GPL, GPL-2.0, GPL-2.0+, LGPL, LGPL-2.0+, LGPL-2.1+, MIT-style, No_license_found, See-doc.OTHER, See-file, See-file.COPYING, See-file.LICENSE, See-URL, U-Michigan, UnclassifiedLicense, WebM	
include	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, 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	
init	GPL-2.0, No_license_found, See-file	
ipc	GPL, GPL-2.0, GPL-2.0+, No_license_found	
kernel	GPL, GPL-2.0, GPL-2.0+, LGPL, LGPL-2.0+, No_license_found, See-file, See-file.COPYING	

Scancode toolkit

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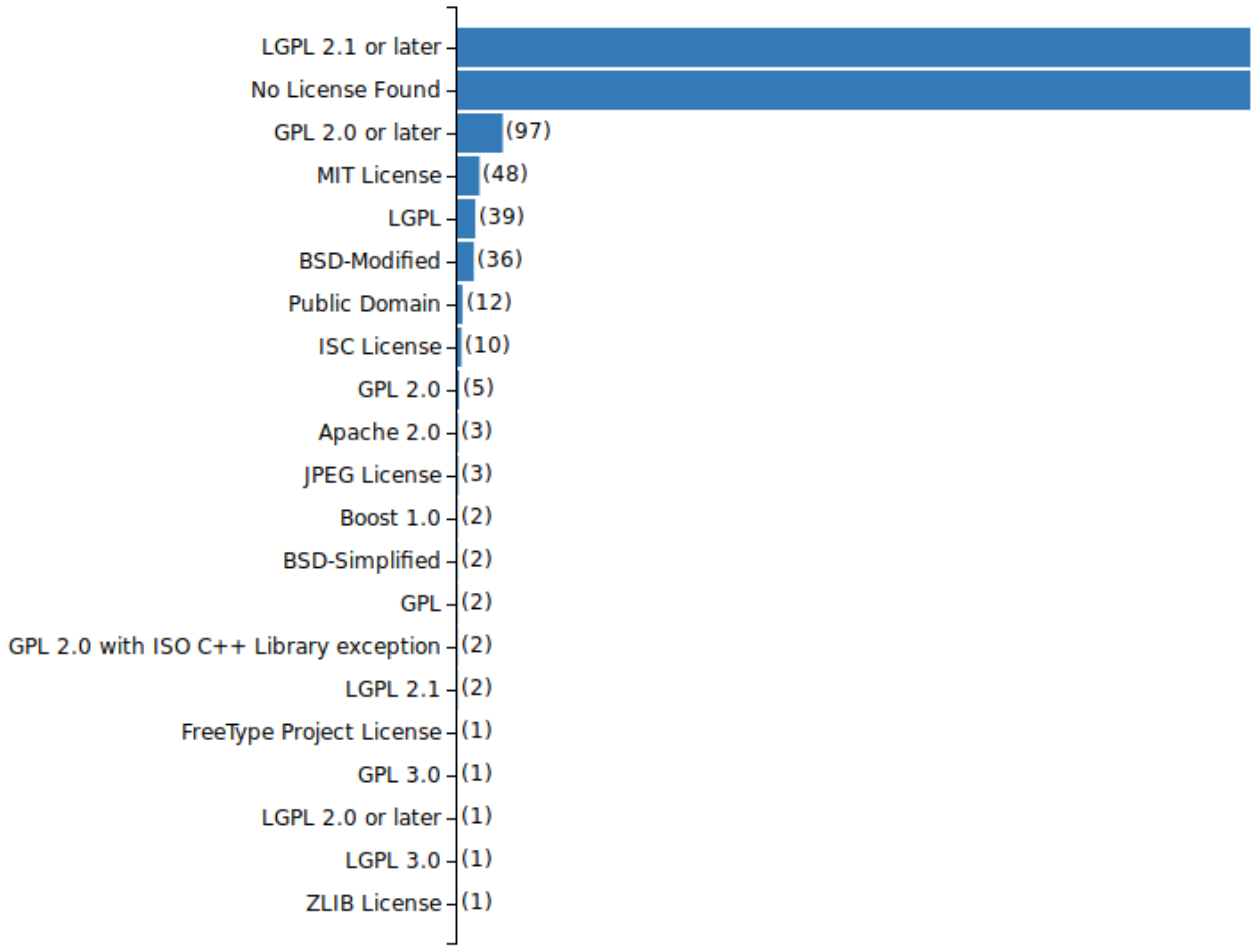
ScanCode is a suite of utilities used to scan a codebase for license, copyright, and other interesting information that can be discovered in files.
A typical software project often reuses hundreds of third-party components. License and origin information is often scattered and not easy to find: ScanCode discovers this data for you.
`https://github.com/nexB/scancode-toolkit`

- ffmpeg
  - compat
  - doc
  - libavcodec
  - libavdevice
  - libavfilter
    - tests
    - x86
      - af_volume.asm
      - af_volume_init.c
      - avf_showcqt.asm
      - avf_showcqt_init.c
      - colorspacedsp.asm
      - colorspacedsp_init.c
      - Makefile
      - vf_blend.asm
      - vf_blend_init.c
      - vf_bwdif.asm
      - vf_bwdif_init.c
      - vf_eq.c
      - vf_fspp.asm
      - vf_fspp_init.c
      - vf_gradfun.asm
      - vf_gradfun_init.c
      - vf_hqdn3d.asm
      - vf_hqdn3d_init.c
      - vf_idet.asm
      - vf_idet_init.c
      - vf_interlace.asm
      - vf_interlace_init.c
      - vf_maskedmerge.asm

License Summary | Copyright Summary | License & Copyright Details | File Details | Packages

Total Files Scanned: 6471



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Future ?

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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 ?

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Bibliography and credits

References

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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.
- "Histoire et cultures du Libre. Des logiciels partagés aux licenses partagés", Collectif, Framabook 2013.

Websites :

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

Credits 1/2

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- GNU/Linux, David Revoy, CC-BY `http://deevad.deviantart.com/art/GNU-Linux-Portrait-645635708`

Credits 2/2

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