

# Open Source Licensing

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## Overview

This paper explains attempts to provide an introduction to open source licensing, the different freedom licenses can provide, and list some key terms and their definitions that open source licenses might contain. It also will explain the expression “Free as in Freedom, not as in beer.”, define what open source as it relates to intellectual property, examine what rights Open Source developers can and cannot retain when release code, and define what it means for a license to be GPL compliant.

## Free as in Freedom, Not as in Beer

When people hear ‘free’ they generally think of something that costs nothing. “It’s free,” they might exclaim to their friends. But when referring to free software, people are not talking about the ‘free’ others may think they are. This free is the ‘free’ in ‘freedom’ not the ‘free’ in ‘free beer’. It is a question of liberty, not payment.

Users of free software are given several freedoms. They have the freedom to edit, modify, redistribute, copy, run, and study the source code of the software. Although free software is generally given away for free, the free software definition does not require the software creator to sell their product, or give it away for free. Rather it gives the creator the freedom to choose whether or not they want to charge for their product. This freedom labeled as the second freedom in ‘The Free Software Definition’.

These are a summary of the four freedoms granted by the definition:

0. Freedom to run the program.
1. Freedom to study and modify the source code.
2. Freedom to redistribute copies.
3. Freedom to distribute your modified copies.

The most important freedom of these four is the freedom to distribute your modified copies. It is this freedom

It should be noted that all of these freedoms are 'freedoms' they are not 'restrictions'. Individual creators have the right to choose not to distribute their modified copies. Although the extent of this freedom is generally decided by the license the creator has released his or her code under.

## **Free Software vs. Open Source**

There really no difference between Free Software and Open Source software. Generally they even get lumped together and people refer to them as Free and Open Source Software or FOSS, yet Richard Stallman, leader of the Free Software Foundation would argue differently. Stallman says in his article 'Why Open Source misses the point of Free Software' that " 'open source software' and the one most people seem to think it means is 'You can look at the source code.'," but this point is unjust, since when most people refer to Open Source software they are referring to the liberties granted by it.

There are only a few licenses that explicitly restrict authors from only viewing their code, and none of the major Open Source license do this. Stallman's argument for using the term Free Software is based on the assumption that when people say 'Free Software' they will also explain that the 'Free' refers to Freedom, yet when people say 'Open Source' they will take no provisions to explain it's meaning, and people will take it on face value. [\[10\]](#)

## **Retainable and Non-Retainable Developer Rights for OSI Licenses**

### **Key Terms**

Because wading through the plethora of open source licenses can be confusing and feel like reading a foreign language, I have attempted to clarify a few of the key terms used in open source license, and discussions about them.

### **Copyleft**

A copyleft license allows modification and derivative works as long as the new work is also released under the original license. The most well known copyleft license is the GPL.

### **Permissive**

A permissive license, also commonly referred to as a non-copyleft license, does not provide any restrictions on how the licensed work can be combined or redistributed with other licensed work. Therefore the licensed work can easily be combined with other free software, open

source software, or even proprietary software. An example of a permissive license is the MIT License, and a good example of a well known project that uses the MIT License is Ruby on Rails.

## **Attribution**

Attribution means that redistributed works and modifications must attribute, or acknowledge, the creation of the original work to the original author, and any new authors should be attributed as well if a derivative work is created.

## **Non-Commercial**

A somewhat lesser known term in the licensing of open source software is the 'non-commercial' clause. These clauses generally state that the created work can not be used in or for any commercial purposes. Generally the author means to imply that you can not make any financial gains off of the software, but you are free to modify it and redistribute it.

## **GPL Compliance**

GPL Compliance means that the code being released under a given license, yet build or linked against GPL'd code, is compliant with the GPL guidelines.

One of the important factors open source projects look at when choosing a license is whether or not the license is GPL Compliant. License compliance is an interesting

## References

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