

Facts:

- The Software tool has been developed and shipped
- Customers probably have already received copies of the software
- The software tool is licensed under GNU General public license
- GPL is a copyleft license requiring derivative works to be licensed under the GPL once distributed
- An immediate risk assessment is being requested by legal and compliance teams.
- The program must be licensed under the GPL
- Cannot add more restrictions than what has already been placed.
- Multiple forms of GPL versions were made from 1989 to 2007
- Naming rights are not granted on GPL
- License violation and damage to reputation are some potential risks for not complying

Issues:

1. If the tool is shipped, does it trigger the requirement to disclose the source code?
2. Is the addition of GPL code sufficient to make it a derivative work under GPL?
3. What form of action is best to balance legal compliance, minimizing risk of reputation and continuity of business?

Ethical Analysis:

The most logical and easiest way to view this analysis is by looking at it from a duty-based or a deontological approach. From this perspective, the company has to oblige and show respect to the previous authors of the software. GPL requires the derived works to be open-sourced, and ignoring these terms would be a violation of the trust from the community and the software's principles. Correcting this violation, while a possibly costly act, would be respecting the intellectual property of the program.

Legal/Policy Analysis:

While distributing a program that involves a GPL-licensed code, one must make sure that the source code is provided to those who acquire the software. This promotes what the product was originally intended for, being open-sourced and available for anyone to access. The program that also uses the licensed code should also be licensed under the GPL. Failure to comply will result in a loss of profits as distribution will need to be halted for a time being, a damage to reputation and future contract opportunities.

Decision & Rationale:

In response to the potential of breaking the license of using GPL, we as the company will be looking into a remediation plan to fix this. Firstly, we will be halting all sales of the tool to prevent further violations of the license. Secondly, our goal is to look into renewing our license and making sure that our product is not renamed. Once the product is available to be purchased once more, we will make sure that the source code for the program is fully available for anyone to go in, view and modify.

Alternatives:

- Removal of the tool from purchase log.
- Seek dual licensing
- Replace the GPL licensed coding with another form of licensing.