

Betreff: Re: Crypto Law - Next Gen

Datum: Dienstag, 14. März 2023 um 11:09:57 Mitteleuropäische Normalzeit

Von: Bert-Jaap Koops

An: Jan Thielscher, scoughlan

CC: Kilbane, Stephen

Dear Shane and Jan,

That sounds excellent, thanks very much - let's proceed in this way.

Let me know in due time how you envision outdated entries could be updated. I assume your community will contribute to that, but I can also ask my students (and some colleagues with students) to have a look and contribute.

Warm regards,
Bert-Jaap

Van: Jan Thielscher

Verzonden: Dinsdag, 14 Maart, 2023 08:27

Aan: scoughlan; Bert-Jaap Koops

CC: Kilbane, Stephen

Onderwerp: Re: Crypto Law - Next Gen

Hi all,

thank you Shane, I do agree that the adding a prominent statement about the impact of license choice is a good idea.

Thank you Bert once more for the willingness to share this impressive work with the community. I am sure it will bring benefit to many people and companies!

Br
Jan

-----Ursprüngliche Nachricht-----

Von: Shane Coughlan <scoughlan@linuxfoundation.org>

<<mailto:scoughlan@linuxfoundation.org>>>

Datum: Dienstag, 14. März 2023 um 06:09

An: Bert-Jaap Koops <E.J.Koops@tilburguniversity.edu>

<<mailto:E.J.Koops@tilburguniversity.edu>>>

Cc: Jan Thielscher <jan.thielscher@eacg.de <<mailto:jan.thielscher@eacg.de>>>, "Kilbane, Stephen" <Stephen.Kilbane@analog.com <<mailto:Stephen.Kilbane@analog.com>>>

Betreff: Re: Crypto Law - Next Gen

Hi Bert-Jaap!

Thank you for your excellent feedback and my apologies for taking your time on this. We want to make sure we get it right for you.

Short version: I think CC-BY-SA is best to respect your wishes. Let's run with that.

My take (it is just one opinion), is that CC-BY-SA may cause an "ingest" problem for user companies and organizations seeking to take the data and put it into internal systems. This is not because the license is problematic per se, but because lawyers often gatekeep and blanket ban licenses for organizations. But... you are quite right that consultancies may do something like make translations and leverage that for credit that does not benefit the market. We never experienced that with OpenChain (even with CC-0, public domain), but it *can* happen.

If your wishes are to ensure freeloading is impossible, CC-BY-SA is the appropriate license to force everyone to share the data indefinitely. We can add a clear header to the project explaining to corporate council that this does not prevent a user organization from *ingesting* the data and doing whatever internally. But it means if they want to share it, they have to be aware that the receiving parties can remix and reuse the material without any additional restrictions. No one escapes the license freedom / limitation.

Regards

Shane

> On Mar 10, 2023, at 19:48, Bert-Jaap Koops <E.J.Koops@tilburguniversity.edu>
> <<mailto:E.J.Koops@tilburguniversity.edu>>> wrote:

>

> Dear all,

>

> I think my personal preference would be CC-BY-SA, because for instance translations are also derivative works, and I would not welcome a consultancy firm to bring, say, a Spanish translation with their own copyright attached on the market. But such a scenario is not very likely, and if you think that CC-BY-SA might prevent some organisations from using the material in societally beneficial ways (meaning not-for-profit), I can certainly go along with CC-BY.

>

> Warm regards,

> Bert-Jaap

>

> Van: Jan Thielscher

> Verzonden: Vrijdag, 10 Maart, 2023 10:09

> Aan: Kilbane, Stephen; scoughlan

> CC: Bert-Jaap Koops

> Onderwerp: Re: Crypto Law - Next Gen
>
> Hi Steve,
> from the consumer's point of view, I fully agree with your argumentation. I did focus more on the topic of preventing the use by consulting corps.
> @Beert-Jaap: So would you be fine going with CC-BY then?
> Br
> Jan
> Von: "Kilbane, Stephen" <Stephen.Kilbane@analog.com
<<mailto:Stephen.Kilbane@analog.com>>>
> Datum: Freitag, 10. März 2023 um 09:35
> An: scoughlan <scoughlan@linuxfoundation.org <<mailto:scoughlan@linuxfoundation.org>>>, Jan Thielscher <jan.thielscher@eacg.de <<mailto:jan.thielscher@eacg.de>>>
> Cc: Bert-Jaap Koops <E.J.Koops@tilburguniversity.edu
<<mailto:E.J.Koops@tilburguniversity.edu>>>, "Kilbane, Stephen" <Stephen.Kilbane@analog.com
<<mailto:Stephen.Kilbane@analog.com>>>
> Betreff: Re: Crypto Law - Next Gen
> Hi all,
> I think CC-BY is closer to what Bert-Jaap suggests:
> • CC-BY requires attribution is given to the original author.
> • CC-BY-SA requires attribution is given to the original author, but also requires that derivative works are also released under CC-BY-SA.
> However, in this case I don't think that it matters so much – the material in question here is data, in the same way that the SPDX License List is data, and I'd argue that:
> • If we transform this data into a new, more easily-processed form of data, that is definitely a derivative work, and so would also be licensed under CC-BY-SA.
> • If we (or someone else) created tools that used/processed the transformed data, that would not be a derivative work, and would not need to be licensed under CC-BY-SA.
> Mind you, IANAL.
> That said, CC-BY-SA definitely gives legal departments uncomfortable feelings, and we would have wider adoption if the license were CC-BY rather than CC-BY-SA.
> steve
> From: Shane Coughlan <scoughlan@linuxfoundation.org
<<mailto:scoughlan@linuxfoundation.org>>>
> Date: Friday, 10 March 2023 at 08:03
> To: Jan Thielscher <jan.thielscher@eacg.de <<mailto:jan.thielscher@eacg.de>>>
> Cc: Bert-Jaap Koops <E.J.Koops@tilburguniversity.edu
<<mailto:E.J.Koops@tilburguniversity.edu>>>, Kilbane, Stephen <Stephen.Kilbane@analog.com
<<mailto:Stephen.Kilbane@analog.com>>>
> Subject: Re: Crypto Law - Next Gen
> [External]
>
> Not at all, I think it would work well.
>
> > On Mar 10, 2023, at 17:03, Jan Thielscher <jan.thielscher@eacg.de
<<mailto:jan.thielscher@eacg.de>>> wrote:
> >
> > Hi Bert-Jaap,
> > the license you are aiming for would be CC-BY-SA, which is a Creative Commons license,

that allows use and even business re-use but the requires the attribution of the origin. I do think, this will not harm any of the goals and would be fine for our purpose. @Shane Coughlan, @Steve : Do you see any obstacles in using CC-BY-SA?

> > Br

> > Jan

> > Von: Bert-Jaap Koops <E.J.Koops@tilburguniversity.edu

<<mailto:E.J.Koops@tilburguniversity.edu>>>

> > Datum: Donnerstag, 9. März 2023 um 14:42

> > An: scoughlan <scoughlan@linuxfoundation.org <<mailto:scoughlan@linuxfoundation.org>>>, Jan Thielscher <jan.thielscher@eacg.de <<mailto:jan.thielscher@eacg.de>>>, "Stephen.Kilbane@analog.com <<mailto:Stephen.Kilbane@analog.com>>"

<Stephen.Kilbane@analog.com <<mailto:Stephen.Kilbane@analog.com>>>

> > Betreff: Re: Crypto Law - Next Gen

> > Hi Jan, Shane and Stephen,

> > Apologies, Stephen, for not responding to your earlier request - already a month ago, I see.

I'm selective in looking at and following up on my mail, given my limited working time. It's a bit of a juggle, but I'll try to be quicker in future. I understand and agree with your main priority - I

also would like as many as possible to benefit from the information as easily as possible. In that sense, I am fine with the proposed licence. My only concern, however, is that CC-0 (from what I

can see at first sight - I'm not too familiar with all the different licenses) does not prevent businesses (in particular, large consultancy firms, who seem to have an interest in using such a

resource for enhancing their profile in information security) from taking over all information and using it to set up a similar resource, branded as their own, but without acknowledging the

source. It's not too big of an issue, but if you agree and it would not create obstacles for the users you envision, I would prefer a license that allows users to do anything with the material

they like, but which does require acknowledging the author and source if the material (or substantial parts of it) is reused and made public. Let me know what you think about this and

whether there is a licence that could achieve this which also fits your views. Warm regards,

> > Bert-Jaap

> > Van: Shane Coughlan <scoughlan@linuxfoundation.org

<<mailto:scoughlan@linuxfoundation.org>>>

> > Verzonden: dinsdag 7 maart 2023 09:40

> > Aan: Jan Thielscher <jan.thielscher@eacg.de <<mailto:jan.thielscher@eacg.de>>>

> > CC: Bert-Jaap Koops <E.J.Koops@tilburguniversity.edu

<<mailto:E.J.Koops@tilburguniversity.edu>>>

> > Onderwerp: Re: Crypto Law - Next Gen

> > Hi Bert-Japp!

> >

> >

> > Naturally, if you do not like the licensing approach, then we are very happy to explore other

options. Our main priority is finding a way to ensure the resource is permanently available, easy to update or accept contributions, and easy for people to use in their various workflows or

systems.

> >

> > We suggested CC-0 because we found that super useful to allow people to quickly take

resources and include them into existing workflows with minimal permission or blocks.

> >

> > Regards

> >

> > Shane

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