

NGI Zero PET and Discovery Legal To-Dos

Best Practices for Software Licensing



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Source of the incremental compliance chart:
Ibrahim Haddad. Open Source Compliance in the Enterprise, 2nd Edition. The Linux Foundation, 2018. p. 43.

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Alexander Tsang on Unsplash.



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BEST PRACTICES FOR SOFTWARE LICENSING

This document provides you a general checklist of the best practices recommended by the FSFE for software licensing.

General best practices

1. Implement a lightweight trademark policy

The idea of a trademark is to inform users/customers about the origin of your software. In case your project intend to use a trademark, consider registering the icons or logo at the Trademark Office. Since your software license is not the best way to protect a trademark, with a trademark policy you can explain in simple words what is permitted and not.

Consider having a trademark policy with the following guidelines:

1. Inform which icon or logo is your trademark and state that they are not covered by the project licenses. The use of trademark should be accordingly to this policy only.
2. Explain in simple words what is permitted to do with your trademark.
3. Make clear when users need specific permission to use your trademark.
4. When allowed, explain how should users display your trademark.
5. **Make sure how users can compile the software without using the trademark!**

You can learn more in our [FAQ](#), or contact us directly.

2. Follow a compliance workflow

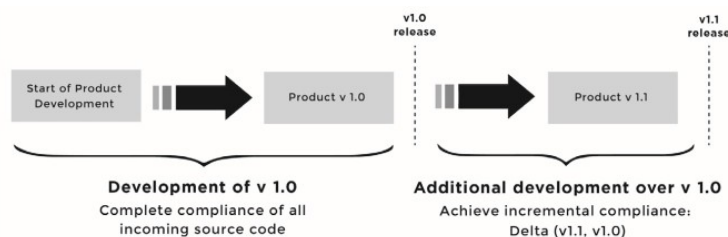
Including a compliance workflow as part of the software development process protects your project against compliance risks concerning your product's distribution. FSFE compliance workflow includes spotting legal issues and licensing review concerning Free and Open Source Software.

3. Utilize tools and automation to support efficient processing

Tools can help scanning the code to implement license requirements, such as the REUSE tool explained below.

4. Enforce incremental compliance

Incremental compliance is the act of ensuring compliance between versions, covering the last compliant code baseline and current source code base. Maintaining compliance is a continuous effort that depends on discipline and commitment to incorporate compliance activities.



Specific best practices

1. Use an existing well-known used license, instead of making up your own

Licenses should be written to apply in complex legal issues, and people are more likely to use works under established and existing licenses whose legal effects are well known and have been clearly documented.

2. Use a Free Software license

Having a Free Software license is the best way to protect your project's contributors and users. A license can determine the way people contribute to the project and how the software will be used and shared. You can find a list of some of the most common Free Software licenses in our FAQ document.

For the purposes of the Next Generation Initiative, we recommend that you use the **GNU GPL v3.0** for your software project. However, this is not a one-size-fits-all recommendation. You should consider the nature of your project, and decide which of the licenses above would fit your needs.

Nevertheless, for the purposes of this guide, we will assume that you have chosen to use the GNU GPL v3.0.



3. Provide the license

3.1. Inform the public of your intended licenses

State which license you are using clearly on the project's front page.

You do not have to include the actual text of the license there; what is important is that the name of the license, as well as a link to the full license text is available.

3.2. Find your license in the SPDX License List

Locate your license in the [SPDX License List](#). Download the license text for your license from the [license-list-data repository](#) and put it in the *Licenses/* directory.

SPDX is an open standard for communicating license and copyright information. Each license is uniquely identified by a shortform SPDX License Identifier. For example, the SPDX License Identifier for the GNU GPL v3.0 is "GPL-3.0-or-later".

3.3. Include the license files in your software directory

A project **must** include a License File for every license under which files in the project are licensed.

Create a *LICENSES* directory in your project root which will contain all the licenses that you use in your project.

Each License File **must** be placed in the *LICENSES/* directory in the root of the Project. The name of the License File **MUST** be the SPDX identifier of the license followed by an appropriate file extension (example: *LICENSES/GPL-3.0-or-later.txt*). The License File **must** be in plain text format. You can download your license from the [license-list-data repository](#) and put it in the *LICENSES* directory.

If a license does not exist in the SPDX License List, its SPDX Identifier **must** be *LicenseRef-[idstring]* as defined by the SPDX Specification, Section 6 available at <https://spdx.org/spdx-specification-21-web-version#h.1v1yuxt>.

A project must not include License Files for licenses under which none of the files in the Project are licensed.

Everything that applies to licenses in this section also applies to license exceptions, with the exception that it is not possible to have a license exception that does not exist in the SPDX License list.



4. Add copyright and licensing information to each file

Each file in the project must have copyright and licensing information associated with it, naming the copyright date, holder, and license. This notice should also include a note on where to find the full text of the license.

You can associate copyright and licensing information with a file using one of the two ways: comment headers, or through a DEP5 file.

4.1. Option 1: Implementing comment headers in your files

Each plain text file that can contain comments **MUST** contain comments at the top of the file (the comment header) that declare that file's Copyright and Licensing Information.

The comment header **must** contain one or more *SPDX-FileCopyrightText* tags, and one or more *SPDX-License-Identifier* tags. A tag is followed by a colon, followed by a text value, and terminated by a newline.

Assuming that your license is the GPL v3.0, an example of a comment header would be as follows:

```
/*
 * SPDX-FileCopyrightText: 2019 Jane Doe <jane@example.com>
 *
 * SPDX-License-Identifier: GPL-3.0-or-later
 */
```

The *SPDX-FileCopyrightText* tag records the publication years and the copyright holder of the contents of the file. The *SPDX-FileCopyrightText* tag **must** be followed by a copyright notice.

The *SPDX-License-Identifier* tag **must** be followed by a valid [SPDX License Expression](#), typically just the SPDX License Identifier of the license describing the licensing of the file (example: *SPDX-License-Identifier: GPL-3.0-or-later*). If separate sections of the file are licensed differently, a different *SPDX-License-Identifier* tag **MUST** be included for each section. You can be flexible with the format, just make sure that the line starts with *SPDX-FileCopyrightText*:

Each file must always contain these two tags in the header. You are allowed to use the tags multiple times if you have multiple copyright holders or licenses.

4.2. Option 2: Associating Copyright and Licensing information through a DEP5 file



If your project has large directories where including a comment header in each file (or in .license companion files is impossible or undesirable, you may alternatively associate copyright and licensing information with a particular file through a DEP5 file.

The DEP5 file **must** be named dep5 and stored in the .reuse/ directory in the root of the Project (i.e. .reuse/dep5).

The License tag **must** be followed by a valid SPDX License Expression describing the licensing of the associated files.

The Copyright tag **must** be followed by a copyright notice.

An example of a DEP5 file would be as follows:

```
Format: https://www.debian.org/doc/packaging-manuals/copyright-format/1.0/
Upstream-Name: Project
Upstream-Contact: Jane Doe <jane@example.com>
Source: https://example.com/jane/project

Files: po/*
Copyright: 2019 Translation Company
License: GPL-3.0-or-later
```

5. Ensuring proper formatting of copyright notices

A copyright notice **must** be prefixed by a tag, symbol or word denoting a copyright notice as described in this specification.

The copyright notice **must** contain the name of the copyright holder. The copyright notice SHOULD contain the year of publication and the contact address of the copyright holder. The order of these items SHOULD be: year, name, contact address.

The year of publication **may** be a single year, multiple years, or a span of years.

The copyright holder **may** be an individual, list of individuals, group, legal entity, or any other descriptor by which one can easily identify the copyright holder(s).

Any contact address **should** be in between angle brackets.

Examples of valid copyright notices:

```
SPDX-FileCopyrightText: 2019 Jane Doe <jane@example.com>
SPDX-FileCopyrightText: © 2019 John Doe <joe@example.com>
© Example Corporation <https://corp.example.com>
Copyright 2016, 2018-2019 Joe Anybody
Copyright (c) Alice
```




6. Confirm REUSE compliance

If you have marked all files with their copyright and licensing, you should then check whether you missed anything. To do this, the FSFE provides a linter tool for you to use. You can read the [full documentation here](#), or read the quick steps below.

```
$ # Install the dependencies for the tool.  
$ sudo apt install python3 python3-pip  
$  
$ # Install the tool  
$ pip3 install --user fsfe-reuse
```

The executable is now in `$HOME/.local/bin/`. Make sure that this is in your `$PATH`. Now go to the project directory and run the linter.

```
$ cd path/to/project/  
$ reuse lint  
SUMMARY  
  
Bad licenses: 0  
Missing licenses: 0  
Unused licenses: 0  
Used licenses: CC-BY-4.0, CC0-1.0, GPL-3.0-or-later  
Read errors: 0  
Files with copyright information: 6 / 6  
Files with license information: 6 / 6
```

Congratulations! Your project is REUSE compliant :-)

As you can see in the last line, the tool will confirm whether your project is compliant with REUSE standards. To learn what the different numbers mean, please have a look at the full documentation of the reuse tool [here](#).