**Linux Kernel Community Enforcement Statement**

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By Greg Kroah-Hartman, Chris Mason, Rik van Riel, Shuah Khan, and Grant Likely

The Linux kernel ecosystem of developers, companies and users has been wildly successful by any measure over the last couple decades. Even today, 26 years after the initial creation of the Linux kernel, the kernel developer community continues to grow, with more than 500 different companies and over 4,000 different developers getting changes merged into the tree during the past year. As Greg always says every year, the kernel continues to change faster this year than the last, this year we were running around 8.5 changes an hour, with 10,000 lines of code added, 2,000 modified, and 2,500 lines removed every hour of every day.

The stunning growth and widespread adoption of Linux, however, also requires ever evolving methods of achieving compliance with the terms of our community’s chosen license, the GPL-2.0. At this point, there is no lack of clarity on the base compliance expectations of our community. Our goals as an ecosystem are to make sure new participants are made aware of those expectations and the materials available to assist them, and to help them grow into our community.  Some of us spend a lot of time traveling to different companies all around the world doing this, and lots of other people and groups have been working tirelessly to create practical guides for everyone to learn how to use Linux in a way that is compliant with the license. Some of these activities include:

* Community Conferences: [FSFE Free Software Legal and Licensing Workshop](https://fsfe.org/activities/ftf/legal-conference.en.html), [FOSDEM](https://fosdem.org/), [Open Compliance Summit](http://events.linuxfoundation.org/events/open-compliance-summit), and others
* Compliance Guides: [Guide to GPL Compliance, Second Edition](https://www.softwarefreedom.org/resources/2014/SFLC-Guide_to_GPL_Compliance_2d_ed.html), [Practical GPL Compliance](https://www.linuxfoundation.org/publications/practical-gpl-compliance-download-this-free-guide-today/), [Open Source Compliance in the Enterprise](http://go.linuxfoundation.org/open-source-compliance-ebook)
* Compliance Communities: [OpenChain](https://www.openchainproject.org/), [SPDX](https://spdx.org/)

Unfortunately the same processes that we use to assure fulfillment of license obligations and availability of source code can also be used unjustly in trolling activities to extract personal monetary rewards. In particular, issues have arisen as a developer from the Netfilter community, Patrick McHardy, has sought to enforce his copyright claims in secret and for large sums of money by threatening or engaging in litigation. Some of his compliance claims are issues that should and could easily be resolved. However, he has also made claims based on ambiguities in the GPL-2.0 that no one in our community has ever considered part of compliance.

Examples of these claims have been distributing over-the-air firmware, requiring a cell phone maker to deliver a paper copy of source code offer letter; claiming the source code server must be setup with a download speed as fast as the binary server based on the “equivalent access” language of Section 3; requiring the GPL-2.0 to be delivered in a local language; and many others.

How he goes about this activity [was recently documented very well by Heather Meeker](https://opensource.com/article/17/8/patrick-mchardy-and-copyright-profiteering).

Numerous active contributors to the kernel community have tried to reach out to Patrick to have a discussion about his activities, to no response. Further, the Netfilter community [suspended Patrick](https://marc.info/?l=netfilter-devel&m=146887464512702) from contributing for [violations of their principles of enforcement](http://www.netfilter.org/files/statement.pdf). The Netfilter community also [published their own FAQ on this matter](http://www.netfilter.org/licensing.html#faq).

While the kernel community has always supported enforcement efforts to bring companies into compliance, we have never even considered enforcement for the purpose of extracting monetary gain.  It is not possible to know an exact figure due to the secrecy of Patrick’s actions, but we are aware of activity that has resulted in payments of at least a few million Euros.  We are also aware that these actions, which have continued for at least four years, have threatened the confidence in our ecosystem.

Because of this, and to help clarify what the majority of Linux kernel community members feel is the correct way to enforce our license, the [Technical Advisory Board of the Linux Foundation](https://www.linuxfoundation.org/about/technical-advisory-board/) has worked together with lawyers in our community, individual developers, and many companies that participate in the development of, and rely on Linux, to draft a Kernel Enforcement Statement to help address both this specific issue we are facing today, and to help prevent any future issues like this from happening again.

A key goal of all enforcement of the GPL-2.0 license has and continues to be bringing companies into compliance with the terms of the license. [The Kernel Enforcement Statement](https://lkml.org/lkml/2017/10/16/122) is designed to do just that.  It adopts the same termination provisions we are all familiar with from GPL-3.0 as an Additional Permission giving companies confidence that they will have time to come into compliance if a failure is identified. Their ability to rely on this Additional Permission will hopefully re-establish user confidence and help direct enforcement activity back to the original purpose we have all sought over the years – actual compliance.

Kernel developers in our ecosystem may put their own acknowledgement to the Statement by sending a patch to Greg adding their name to the Statement, like any other kernel patch submission, and it will be gladly merged. Those authorized to ‘ack’ on behalf of their company may add their company name in (parenthesis) after their name as well.

Note, a number of questions did come up when this was discussed with the kernel developer community. Please see [Greg’s FAQ post](http://kroah.com/log/blog/2017/10/16/linux-kernel-community-enforcement-statement-faq/) answering the most common ones if you have further questions about this topic.

Posted by Greg Kroah-Hartman Oct 16th, 2017  [enforcement](http://www.kroah.com/log/blog/categories/enforcement/), [kernel](http://www.kroah.com/log/blog/categories/kernel/), [linux](http://www.kroah.com/log/blog/categories/linux/), [statement](http://www.kroah.com/log/blog/categories/statement/)