Lesson 5:
What is this licensing madness and why you might care (a little)

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Objectives

- Understand the (very) simple basics of intellectual property protection
- Be able to explain the basic license groups in the free and open source software space
- Know the basic licenses, and where to find more data
- Have some understanding of current controversies and the implications in an open source community

Notes

https://github.com/jhu-ospo-courses/JHU-EN.601.210/tree/main/lessons/4#notes

IANAL

Everything you need to know about open source licensing in (almost) 2 minutes

- Software is protected by copyright law in the U.S. and many other countries. [There are treaties between countries.]
- **USE A LICENSE.** Anyone that wrote the software, owns the copyright and can say how it is used. [**NOT** saying how it can be used does **NOT** remove that responsibility as the owner, even if you don't care.]
- People sometimes give up their copyright ownership to the software they write in their employment agreements. [You need to learn to read your employment agreement.]
- Different countries have subtly different rules about some things (e.g., public domain, moral rights)

Everything you need to know about open source licensing in (almost) 2 minutes

- If you want to liberally share your software with others so they can use it for anything, there are a few well-accepted SIMPLE licenses (Apache 2.0, BSD, MIT). These essentially say:
  - Do whatever you want with the software.
  - Don't claim my work as your own. (Maintain my copyrights.)
  - THIS SOFTWARE COMES WITH NO WARRANTIES, USE AT YOUR OWN RISK, [ALL IN CAPITAL LETTERS BECAUSE WE REALLY, REALLY MEAN IT].

MIT License

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If you care about …

- The ethics of software freedom over liberally licensed, collaboratively developed software, you probably already have opinions that involve the GNU General Public License family
- Making money, you likely need to consult a lawyer (or read Van Lindberg)
- Patents, you really need to consult a lawyer (and read Van Lindberg)

Other Federally Protected Intellectual Property

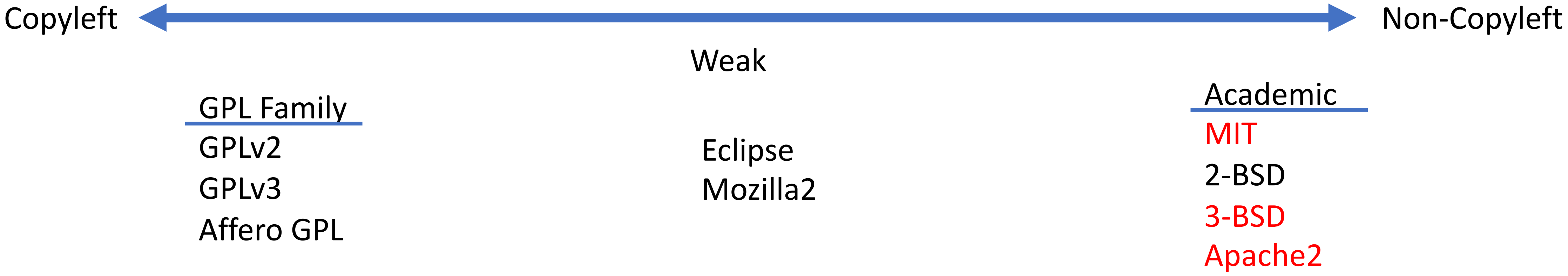
- Patents – regardless of how you feel about software patents, they are the law. They are also expensive to file properly.
- Trademarks – When you give your project a clever name, DO spend a few minutes in a GitHub search, a USPTO search (under trademarks), and a general search engine search for that name. Try not to clash in the same name space. And trademarks are also expensive to file.

A slightly longer set of license ideas

- Do use an OSI-approved license – license invention is expensive
- There are several big levers:
  - How much license reciprocity is required with respect to the software, modifications, and any derivatives someone develops?
  - What is said about patent licensing and litigation?
  - What legal jurisdiction covers the license?
- Other considerations in license choice include:
  - Are there project specific affinities? (e.g., language family)
  - History of the license and non-profit/corporate/commercial involvement? (e.g., Apache)
  - Beware of license proliferation and getting clever with licenses that don’t mix
  - Good discussion of license mixing at the FSF site

Reciprocity (aka Copyleft)

With a strong copyleft license, the license attaches to all derivatives.
With a weak copyleft license, the license attaches to just the project code.
With non-copyleft licenses, there is no attachment.



Copyleft

Non-Copyleft

Weak

GPL Family
GPLv2
GPLv3
Affero GPL

Eclipse
Mozilla2

Academic
MIT
2-BSD
3-BSD
Apache2

Other oddities and interesting ideas

- Dual licensing: the owner of a piece of software can license it as many ways to as many people as they choose – this is an artifact of copyright law and has nothing to do with open source
- Contribution License Agreements & Developer Certificate or Origin
  - There is a difference between licensing your work or assigning your work in a CLA and you should understand the implications
- Be thoughtful – Don't use a ”license picker”