



# COSCon'25

## 第十届中国开源年会

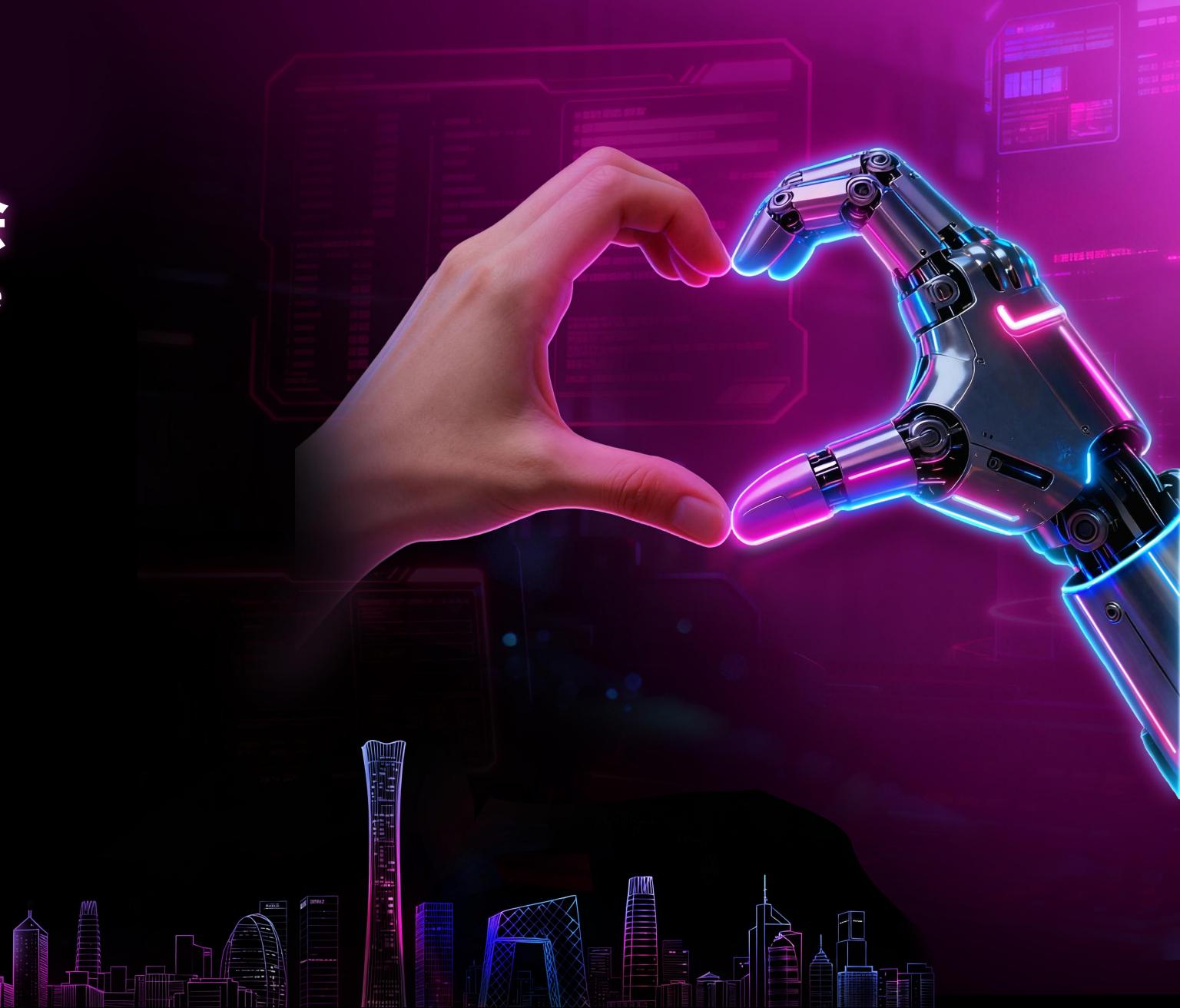
众智开源 | Open Source, Open Intelligence

### 第一等好事

The Good Things of First Class

王荷舒

Lotus Wang





第一等好事  
不只是读书

There are good things of first  
class besides reading





## 专业性的价值 - professional

**SECOND EDITION**

# Open Source Law, Policy and Practice

edited by **AMANDA BROCK**

OXFORD

Downloaded from https://academic.oup.com/book/9780192844727 by guest on 05 March 2024

## Contents

<i>Foreword</i> <i>Keith Bergelt</i>
<i>Abbreviations</i>
<i>Contributors</i>
<i>Table of Cases</i>
<i>Table of Legislation</i>
<i>Introduction</i>
1 Open Source as Philosophy, Methodology, and Commerce Using Law with Attitude <i>Ian Walden</i>
1.1 Introduction
1.2 The Legal Treatment of Software
1.3 Open Source as Philosophy and Politics
1.4 'Open' What?
1.5 Open Source as Development Methodology
1.6 Open Source as Commerce
1.7 Enforcing Open Source
1.8 Open Futures
1.9 Concluding Remarks
2 Evolving Perspective on Community and Governance <i>Ross Gardler and Stephen R Walli</i>
2.1 Collaboration and Communities
2.2 Intellectual Assets to Intellectual Property
2.3 Intellectual Property and Industrial Scale
2.4 Early Experiments under Copyright
2.5 The Start of an Engineering Economic Model
2.6 Open Source as a Shared Production Model
2.7 Open Source Culture
2.8 Licences to Facilitate Collaboration
2.9 The Politics and Ethics of Open Source
2.10 The Free Software Definition
2.11 The Open Source Definition
2.12 Open Source Initiative, a Pragmatic Community
2.13 Pragmatism versus Ethics
2.14 The Apache Software Foundation

## x CONTENTS

2.15 Governance of Open Source	
2.16 People versus Process	
2.17 The Benevolent Dictator Governance Model	
2.18 The Meritocratic Governance Model	
2.19 Implications of Licence Choice and IP Management on Governance Models	
2.20 The Rise of Codes of Conducts	
2.21 The Business of Open Source	
2.22 Open Source Non-Profits	
2.23 Conclusion	
<b>PART 1 INTELLECTUAL PROPERTY, CORPORATE AND GOVERNANCE</b>	
3 Copyright, Contract, and Licensing in Open Source <i>P McCoy Smith</i>	
3.1 Copyright and Software	
3.2 Forms of Open Source Licensing	
3.3 Software Interaction and Licence Compatibility	
3.4 Interpreting Open Source Licences: Contract or 'Bare Licence'?	
3.5 What Makes a Software Licence 'free' or 'open source'?	
3.6 Conclusion	
4 Contributor Agreements <i>Jlayne Lovejoy</i>	
4.1 Project Licence Agreements	
4.2 Types of Inbound Agreements for Open Source Projects	
4.3 Employee Contributions	
4.4 Practical Advice	
5 Copyright Enforcement <i>Miriam Ballhausen</i>	
5.1 Introduction	
5.2 What is Copyright Infringement and What Claims Can Be Made?	
5.3 Enforceability of Open Source Licences and Termination Provisions—How?	
5.4 Why is Copyright in Open Source so Consistently Enforced in Germany?	
5.5 Who Can Enforce Copyright in Open Source?	
5.6 What Are the Key Arguments and Alleged Infringements?	
5.7 New Trends	

## xiii CONTENTS

6 Transforming the Supply Chain with Openchain ISO 5230 <i>Shane Coughlan</i>
6.1 Overview
6.2 Compliance is a Process Challenge that Spans Multiple Organisations
6.3 Because No Single Company Makes a Finished Device, No Single Company Can Solve Compliance Challenges
6.4 The Best Solutions Are Often the Simplest, with the Lowest Barriers to Entry
6.5 OpenChain ISO 5230 is Intended to Make Open Source License Compliance More Predictable, Understandable, and Efficient the Software Supply Chain
6.6 A Simple Specification that Explains the Key Requirements of Quality Compliance Program
6.7 A Clear and Free Way to Check Conformance with the Specification
6.8 Reference Material to Support Conformance and with Broader Questions of Training and Processes
6.9 Community and Support
6.10 Conclusion
6.11 References
7 SPDX and Software Bill of Materials ISO/IEC 5962L 2021 <i>Kate Stewart</i>
7.1 Why Create a Software Bill of Materials?
7.2 What is an SPDX Document?
7.3 Listening to the Open Source Community Needs
7.4 Tooling and Best Practices to Make it Easy for Developers
7.5 Adoption of SPDX Documents
7.6 Future Directions
8 Corporate Concerns: Audit, Valuation, and Deals <i>Toby Crick</i>
8.1 Introduction
8.2 Why Understanding Open Source is Important in the Corporate Context
8.3 Open Source Audit Services
8.4 Valuation
8.5 Issues Arising on M&A
8.6 Investment in Open Source Businesses
8.7 Insolvency
8.8 IPO
9 Trademarks <i>Pamela Chestek</i>
9.1 Introduction
9.2 Trademark Law Basics
9.3 Open Source Projects, Products, and Services
9.4 The Community Role in Open Source Trademarks
9.5 Lawful Use of Others' Trademarks
9.6 Attempts to Limit Competition with Trademarks
9.7 Conclusion
10 Patents and the Defensive Response <i>Malcolm Bain and P McCoy Smith</i>
10.1 Patents and Software
10.2 Patents 101: Why Are Patents Relevant to Open Source?
10.3 Patents and Open Source Interactions
10.4 How Open Source Deals with Patents
10.5 Patent Busting and Patent Pools
10.6 Patent Litigations Initiated Against Open Source
10.7 Conclusions
11 Open Source Software in Standard Setting: The Role of Intellectual Property Right Regimes <i>Knut Blund, Mirko Böhm, and Nikolaus Thumm</i>
11.1 Introduction
11.2 Results from the Literature
11.3 Insights from Case Studies and Stakeholder Consultation
11.4 Compatibility of Intellectual Property Regimes in Standards Development Organisations and Open Source Software
11.5 Conclusion
12 Export Control <i>Michael Cheng and Mishi Choudhary</i>
12.1 Introduction
12.2 Export Control Checklist
12.3 Case Study: Application of Export Control Regimes to Open Source in the US
12.4 Survey of Export Control Regimes
12.5 Recommendations
13 Open Source Software and Security: Practices, Governance, History, and Perceptions <i>Charles-H Schulz</i>
13.1 Open Source and Security: Myths and Reality
13.2 Open Source Security Governance: Vulnerability Discovery, Patching, and Disclosure Practices



## 开放的社区 - open community

木兰开源社区	<a href="#">add PDF</a>	9d8aac0	2年前	26 次提交
<input type="checkbox"/> 书籍中文（初版）	add word		2年前	
<input type="checkbox"/> 书籍英文原版	add PDF		2年前	
<input type="checkbox"/> 封面	update README.md.		2年前	
<input checked="" type="checkbox"/> LICENSE	add LICENSE.		2年前	
<input checked="" type="checkbox"/> README.md	update README.md.		2年前	

README CC-BY-4.0

- [开源法律政策与实践...](#)
- [木兰开源社区翻译工...](#)
- [特别感谢（排名不分...](#)

### 开源法律政策与实践第2版 (Open Source Law, Policy and Practice)

#### 木兰开源社区翻译工作组

组长：杨丽蕴

副组长：王伟、金耀辉、王旭、王庆、耿航

翻译组成员：边思康、陈行、丁蔚、高丰、辜凌云、李成双、李鸣、李智琪、刘冕宸、孙振华、王荷舒、王玉茂、夏小雅、于昕、张春阳、周子茗、朱效璋

审校组成员：卫剑钒、郁志强、黄子祎、适兕、金红、游兰、曾星

#### 特别感谢（排名不分先后）

- 中国电子技术标准化研究院
- 北京大学
- 华东师范大学
- 上海交通大学
- 开放原子开源基金会
- 深圳市腾讯计算机系统有限公司
- 蚂蚁科技集团股份有限公司
- 英特尔亚太研发有限公司
- 北京抖音信息服务有限公司
- 开放数据中国
- 中国移动通信研究院
- 卫sin说（公众号）
- 稀际科技（北京）有限责任公司
- X-lab开放实验室
- 上海白玉兰开源开放研究院
- “源译识”开源翻译公益项目



## 同行的伙伴 - supportive peers

Dear Lotus,

thank you for your kind words, it was a very great pleasure meeting you and the honour entirely mine. I hope there will be more chances to meet soon.

Thank you also for your notes on the chapter, I wish you have read it before it having been published. Nobody spotted the quirks you highlighted and it has been reviewed by no less than three native speakers. I am definitely impressed.

As for the invitation, I would like very much, but I fear I am conflicted by another commitment abroad, a bi-yearly meeting of the network of IT law European firms of which I am the president of the board and cannot possibly miss on that very weekend. I cannot rule it out, I need to sort out the agenda and see if there is any combination of flights I could take.

All the best,

Carlo

Hi Lotus,

=====

Avv. Carlo Piana (\*)

I am sorry for my delay in response. I have added my answers to your questions in the comments. Please let me know if I have not been clear in my answers or if you have any more questions.

Thank you again for all your hard work on the book and my chapter! It is wonderful to know that the book will be available in Chinese!

Pam

Pamela S. Chestek





## 一次开放协作的实践 - A Practice of Open Collaboration



嘤其鸣矣 求其友声

Birds keep twittering to be heard and  
responded by their kind



# COSCon'25

## 第十届中国开源年会

众智开源 | Open Source, Open Intelligence

# Thanks

heshu.wang@hotmail.com

+86 18701560192

