

Inside FOSS Licensing

COMP8440: FOSSD
Lecture 5

The Early Days ...

- In the early days of free software, many projects used very simplistic licenses
 - An example is the original license for Samba
 - Why was this such a poor choice for a license?

Copyright (C) Andrew Tridgell 1992.

Permission to use, copy and distribute this software is given to anyone who wants to, for NON-PROFIT only. You may not charge for this software or any derivatives of it without first contacting the Author.

What does a license do?

- A copyright license gives permissions
 - Copyright defaults would prevent free software
 - e.g. prevent distribution of the software
- Key permissions needed
 - Permission to use the software
 - Permission to study the software
 - Permission to modify the software
 - Permission to distribute modified or unmodified copies
- It can also set conditions
 - Force derived works to be under the same license
 - Advertising or marketing restrictions
 - Disclaim warranty or other guarantees
 - ... and lots of others ...

Lots of licenses

- A wide range of FOSS licenses
 - OSI lists 63 approved licenses, 9 as 'widely used'
 - GNU lists 81 free software licenses plus 28 non-free licenses
- Key licenses
 - GNU GPL (and variants, including LGPL)
 - BSD Licenses (original or modified)
 - MIT/X11 License
 - Apache License

X11 License

Copyright (C) 1996 X Consortium

Permission is hereby granted, free of charge, to any person obtaining a copy of this software and associated documentation files (the "Software"), to deal in the Software without restriction, including without limitation the rights to use, copy, modify, merge, publish, distribute, sublicense, and/or sell copies of the Software, and to permit persons to whom the Software is furnished to do so, subject to the following conditions:

The above copyright notice and this permission notice shall be included in all copies or substantial portions of the Software.

THE SOFTWARE IS PROVIDED "AS IS", WITHOUT WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NONINFRINGEMENT. IN NO EVENT SHALL THE X CONSORTIUM BE LIABLE FOR ANY CLAIM, DAMAGES OR OTHER LIABILITY, WHETHER IN AN ACTION OF CONTRACT, TORT OR OTHERWISE, ARISING FROM, OUT OF OR IN CONNECTION WITH THE SOFTWARE OR THE USE OR OTHER DEALINGS IN THE SOFTWARE.

Except as contained in this notice, the name of the X Consortium shall not be used in advertising or otherwise to promote the sale, use or other dealings in this Software without prior written authorization from the X Consortium.

X Window System is a trademark of X Consortium, Inc.

Original BSD license

....

Redistribution and use in source and binary forms, with or without modification, are permitted provided that the following conditions are met:

- 1. Redistributions of source code must retain the above copyright notice, this list of conditions and the following disclaimer.*
- 2. Redistributions in binary form must reproduce the above copyright notice, this list of conditions and the following disclaimer in the documentation and/or other materials provided with the distribution.*
- 3. All advertising materials mentioning features or use of this software must display the following acknowledgement: This product includes software developed by the University of California, Berkeley and its contributors.*
- 4. Neither the name of the University nor the names of its contributors may be used to endorse or promote products derived from this software without specific prior written permission.*

...

(Excerpt from original BSD license)

Copyleft

b) You must cause any work that you distribute or publish, that in whole or in part contains or is derived from the Program or any part thereof, to be licensed as a whole at no charge to all third parties under the terms of this License.

(excerpt from GNU GPL version 2)

c) You must license the entire work, as a whole, under this License to anyone who comes into possession of a copy. This License will therefore apply, along with any applicable section 7 additional terms, to the whole of the work, and all its parts, regardless of how they are packaged. This License gives no permission to license the work in any other way, but it does not invalidate such permission if you have separately received it.

(excerpt from GNU GPL version 3)

GPL vs LGPL

- Strong copyleft versus weak copyleft
 - GPL copyleft covers work as a whole
 - LGPL copyleft covers only LGPL portion
- Use for software libraries
 - Allows linking with proprietary programs
 - Widely used for library code
 - Also used to avoid inter-project licensing problems
- Use discouraged
 - 'L' changed from Library to Lesser in 1999
 - Loses much of the GPL leverage effect that encourages free software

GNU GPLv3

- A recent evolution of the GPL (June 2007)
 - Public discussion process, over 18 months
 - Much debate on adoption among existing GPL projects
- Main changes
 - Internationalisation and clarification of legal language
 - Stronger patent provisions
 - Prevention of hardware restrictions (“tivoisation”)
 - Optional clauses to aid license interoperability
 - DMCA avoidance (“effective technological measure”)

Multiple Licensing

- Can offer multiple licenses on one program
 - Allows recipients to choose the license
 - A common solution to inter-project license problems
- The 'or-later' clause
 - A form of multiple licensing
 - Allows for license evolution
 - Involves a high degree of trust of license originator

This program is free software; you can redistribute it and/or modify it under the terms of the GNU General Public License as published by the Free Software Foundation; either version 2 of the License, or (at your option) any later version.

(Excerpt from a GPLv2+ license header)