Licence Apple : ce n'est pas de l'informatique libre

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Apple Computer Inc. vient d'annoncer ses projets concernant les logiciels libres (http://www.publicsource.apple.com (http://www.publicsource.apple.com) **), et prétend ainsi rejoindre la communauté de l'informatique libre.**

L'association April accueille favorablement la participation de sociétés au monde du logiciel libre (/node/10307) **, mais dans le cas de l'Apple Public Source License (APSL), nous estimons qu'un certain nombre de problèmes existent dans cette licence, la rendant non conforme par rapport à la définition du logiciel libre.**

April soutient ainsi officiellement la prise de position de Bruce Perens (cofondateur de l'Open Source Initiative), Wichert Akkerman (leader du Projet Debian) et Ian Jackson (président de Software in the Public Interest), et souhaitons que des corrections soient apportées à cette licence.

April, considérant que l'un des plus grands dangers actuels pour la communauté de l'informatique libre est le logiciel presque-libre, ne peut accepter la multiplication d'annonces de licences plus ou moins libres. L'APSL n'est pas une licence libre, et Apple ne peut donc revendiquer son appartenance au mouvement de l'informatique libre.

En dehors des points soulevés par Bruce Perens, nous estimons également que la section 11 (ownership), où Apple se réserve tous les droits sur les modifications au code source (/node/10308) original faites par Apple ou de la part d'Apple, n'est pas conforme à la notion d'informatique libre.

Ci-joint, le texte complet de Bruce Perens (disponible sur http://perens.com/Articles/APSL.html (http://perens.com/Articles/APSL.html)):

Preface: Today, I got to speak with Apple's director of Operating System Development, and with the specific person in charge of Open Source Development. They don't have a problem with our making suggestions about the Apple license. They acknowledged that there is room for clearing up parts of the license, including defining Affected Original Code better to address our concerns with the termination clause. They seem willing to work on the issues we have raised. - Bruce Perens

The Apple Public Source License - Our Concerns Bruce Perens, Primary Author: The Open Source Definition. Co-Founder: The Open Source Initiative. Wichert Akkerman: Debian Project Leader. Ian Jackson: President, Software in the Public Interest. Author, Debian package installation tool `dpkg'.

We welcome Apple Computer, Inc. as a participant in the Free Software Community. We feel that a few problems in the present version of the Apple Public Source License (the APSL) disqualify it as 'Open Source(TM)' or 'Free Software'. We hope that Apple can address these issues to everyone's satisfaction.

The participation of companies like Apple and IBM should be considered in the same way as the participation of any free software developer. Everyone is welcome to make a contribution. Individually, we each decide whether or not to accept a particular developer's contribution, for reasons that range from technical to legal and licensing concerns. We openly discuss these issues before our community, often quite harshly, as a means of developing consensus and charting our course. One consensus that we've reached is the Open Source Definition, a generally accepted definition of Free Software licensing, written by Bruce Perens and the Debian GNU (/node/10299) /Linux developers in 1997.

We note that much of the material that Apple has just released under the APSL originated at The University of California, Berkeley and at Carnegie-Mellon University. That work was sponsored by the U.S. Government, paid for with our taxes, and was already available as Free Software under the BSD license and other well-accepted Open Source licenses. Many of these files do not significantly differ from the pre-Apple versions except that they bear the addition of a new copyright and license. Other files are entirely authored by Apple or bear significant modifications that should indeed be considered Apple's property. Where Apple has not significantly modified individual files from their pre-Apple versions, their original licenses should be preserved without the addition of the APSL.

Section 2.2(c) of the APSL requires that the producer of modifications to APSL-licensed code use a particular URL in the Apple.com domain to notify Apple. While the demise of Apple Computer, Inc. is unlikely in the near future, that sad event would leave us unable to comply with this section of the APSL. This would constitute a restriction on all rights granted by the license, including those rights necessary to qualify under the Open Source Definition. The Free Software community plans a very long lifetime for its software, and we hope that Apple will cooperate by changing this provision so that APSL-licensed software could survive without Apple. We suggest that the simple publication of modifications, such as posting on a personal web site accessible to the global internet and pointed out in any binary distributions, be all that is required. This is consistent with other licenses in our community. Section 9.1 of the APSL allows Apple to terminate our rights to use any or all APSL-covered code, at its sole discretion, in the event of an unproven claim of infringement, no matter how specious. This is derived from a similar objectionable portion of IBM's Jikes license, which disqualified that license from being referred to as 'Open Source'. We hope that Apple will consider the investment that members of the Free Software community will put into APSL-licensed code when they write modifications for it. An arbitrary termination could cause us to suddenly lose that investment at some future date, with no chance for appeal. The licenses accepted by our community do not provide the possibility of termination in this manner. If termination due to an infringement claim is to be allowed at all, it should be explicitly limited to the particular source-code lines that are considered to infringe upon an existing patent. This would make it possible for the free software community to 'write around the problem' and create a non-infringing version. The authors of the APSL apparently did not consider that patents expire. It should be possible for us to store

infringing code for restoral to use upon the expiration of the patent in question. Apple might also consider if it's possible to allow third-parties to defend the disputed code from an infringement claim that would cause us all to lose our rights under the APSL.

We also regret to note that that Eric Raymond, with the best of intentions, jumped a little too fast to embrace the APSL in his enthusiasm to welcome Apple to our community. He placed the Open Source designation on a license that wasn't quite ready for that. We invite Eric and other members of the Free Software community to join us in requesting the few simple changes to the APSL that we have outlined in this letter.

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APRIL

L'APRIL, Association pour la Promotion et la Recherche en Informatique Libre, créée en 1996, est composée de professionnels de différentes sociétés ou administrations, de chercheurs et d'étudiants. Elle a pour objectif de sensibiliser les entreprises, les administrations et les particuliers sur les risques des solutions propriétaires et fermées, et de les informer des potentialités offertes par les logiciels libres et les solutions basées sur des standards ouverts.

Pour plus d'informations, vous pouvez vous rendre sur le site Web à l'adresse suivante : http://www.april.org.

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