# Legal Licensing Survey 2023

CF1

## Investigating Needs of Legal Practitioners
## in the Context of Software License Compliance

**RESEARCH GOAL AND PROCEDURE**

The purpose of this study is to investigate issues, needs, and opportunities related to open source software licensing. In particular, this study aims to investigate how legal practitioners address concerns related to software licensing and identifying pain points and unmet needs.

If you decide to participate, you will take a brief survey via the Qualtrics platform. The study will last about 15 minutes during which time you will be asked questions regarding your familiarity and experience with several topics related to open source software licensing that pertain to your work.

With your permission, we may contact you by email and invite you to participate in a follow-up interview.

**RISKS AND BENEFITS**

There are no foreseeable risks for participating in this research.

There are no benefits to you as a participant other than to further research in software engineering and open source software licensing.

**PARTICIPATION**

You must be  at least 18 years old to participate.

Your participation is voluntary, and you may withdraw from the study at any time and for any reason. If you decide not to participate or if you withdraw from the study, there is no penalty or loss of benefits to which you are otherwise entitled. There are no costs to you or any other party.

Your decision whether or not to participate will not prejudice your future relations with [organization].

## CONFIDENTIALITY

The data collected by this study will be confidential, including your responses. Any information obtained in connection with this study and that can be identified with you will remain confidential and disclosed only with your permission. You will be assigned a code number to protect your identity and all data will be kept secured. If you give us your permission by signing this document, we plan to disclose the results of the questionnaire in any publication resulting from this study. The disclosed results will not be personally identifiable (if needed, they will be anonymized). The de-identified data could be used for future research without additional consent from participants.

The Institutional Review Board (IRB) and [name of committee] committees that monitor research on human subjects may inspect study records during internal auditing procedures and are required to keep all information confidential.

## CONTACT

This research is being conducted by [anonymous researcher(s)] from [organization].

Questions regarding the rights of research subjects may be directed to [redacted].

[Committee] has reviewed and approved the present research ([protocol]).

## CONSENT

You are welcome to print this page to keep a copy of this form.

---------------------------------------------------------------------------------------------------------------------------------

CF2

**YOU ARE MAKING A DECISION WHETHER OR NOT TO PARTICIPATE.**

**IF YOU WANT TO PARTICIPATE, AND AGREE THAT WE MAY DISCLOSE THE RESULTS OF THIS QUESTIONNAIRE IN ANY PUBLICATION RESULTING FROM THIS STUDY, PLEASE SIGN THIS DOCUMENT BY ENTERING YOUR NAME IN THE TEXT FIELD BELOW AND START THE SURVEY.**

Please enter your name.

_____

**End of Block: Consent**

**Start of Block: Note**

N1

We value your time. Where a narrative response is requested, please feel free to respond as briefly or as fully as you'd like. Any insights will be greatly appreciated.

D1

What is your current role?

○ In-house legal counsel

○ Outside legal counsel

○ Not currently engaged in the practice of law

○ Other (please explain)

_____

D2

In your estimation, what percentage of your work involves software licensing?

○ 0% - 25%

○ 26% - 50%

○ 51% - 75%

○ 76% - 100%

D3

Please briefly describe your experience in negotiating or monitoring compliance with software licenses.

_____

_____

_____

_____

### CP1

How have the organizations that you have worked with ensured compliance with the licenses of third-party software (components and systems) used in their own software products?

_____

_____

_____

_____

_____

### CP2

How have the organizations that you have worked with managed the risk associated with using open-source software that is licensed under different licenses?

_____

_____

_____

_____

_____

### CP3

What types of software licensing issues have you encountered in your career?

_____

_____

_____

_____

_____

CP4

Were some issues more difficult to resolve than others? Please explain.

_____

_____

_____

_____

_____

CP5

Have the organizations that you have worked with ever faced legal challenges related to the usage of open-source software?

○ Yes

○ No

○ I don't know

CP6

How were these challenges resolved?

_____

_____

_____

_____

_____

CP7

How have the organizations that you have worked with educated their employees on software licensing and intellectual property rights to ensure compliance with licensing requirements?

_____

_____

_____

_____

_____

**End of Block: Clients and Client Practices**

**Start of Block: Experience**

E1

Have you ever been involved in negotiating or requesting a software license exception?

◯ Yes

◯ No

◯ I don't know

*Display This Question:*

> *If Have you ever been involved in negotiating or requesting a software license exception? = Yes*

E2

Was the exception easily given/obtained or were the negotiations more complicated? Please, where possible, explain any complications.

_____

_____

_____

_____

_____

E3

Have any clients or organizations that you have worked with had their development/release process stalled due to improper usage of licensed software, images, fonts, and/or databases?

○ Yes

○ No

○ I don't know

E4

Please briefly explain how the improper usage led to such stalls.

_____

_____

_____

_____

_____

E5

Have you ever advised a client who was working on a project where the licensing requirements changed during the course of development?

○ Yes

○ No

○ I don't know

E6

What impact did the changing requirements have on the project?

_____

_____

_____

_____

_____

EC1

To what extent have software licensing issues arisen in your work related to operating in different jurisdictions, either in the United States or worldwide?

_____

_____

_____

_____

_____

EC2

Do you have experience with automatic license-termination clauses (the ability for an organization to revoke a license at any time)?

○ Yes

○ No

*Display This Question:*

*If Do you have experience with automatic license-termination clauses (the ability for an organizatio... = Yes*

EC3

Please describe your experience with automatic license-termination clauses.

_____

_____

_____

_____

_____


EC4

Do you have experience with multi-licensing software projects (software released under more than one license)?

◯ Yes

◯ No

EC5

Please describe your experience with multi-licensing in software projects.

_____

_____

_____

_____

_____


**End of Block: Edge and Special Cases**

**Start of Block: Tools and Information Needs**

N1

What information do you typically collect in order to make a determination of whether your client or organization can legally incorporate another entity's software into your client or organization's own product?

- ☐ Whether the software is licensed under GPL (General Public License) or another open-source license

- ☐ Software provenance (where software was pulled from -- e.g., GitHub)

- ☐ Whether a commercial version of the same/similar open source software exists

- ☐ Whether an updated version of the software exists

- ☐ The client's/organization's plans for how the other entity's software will be used and/or integrated

- ☐ The client's/organization's plans for how its software will be redistributed

- ☐ Others (please list them)

_____

_____

_____

_____

_____

N2

What difficulties (if any) have you faced in collecting this information?

_____

_____

_____

_____

_____

N3

Please describe the process you use to determine whether any software licenses issued by your client or organization have been violated.

_____

_____

_____

_____

_____

N4

What difficulties (if any) have you faced in connection with the process you described?

_____

_____

_____

_____

_____

N5

Are you aware of or have you used any automated tools that provide support or assistance in resolving software licensing issues?

○ Yes (please list them)

_____

○ No

N6

What features would a tool need to have in order to help you with addressing or giving legal advice about license compliance issues?

_____

_____

_____

_____

_____

C1

If you would be willing to participate in a follow-up interview based on your responses (via email or video call), please enter your email address below.

_____