DG DIGIT

Unit.D2 (Interoperability Unit)

Joinup Licensing Assistant

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White Paper

Project of a legal operability tool implemented as a "solution"

in the framework of Joinup.eu

This study was carried out for the ISA[2] programme by WAVESTONE:

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Abstract

The lack of legal interoperability is one of the main barriers to achieving overall interoperability in the framework of operable e-government software solutions that can be actioned by citizens across borders and the entire EU territory. Consequently, legal interoperability will be a major theme of the ISA[2] Mid-Term Conference[1], which is being organised by the European Commission on 28 November 2018.

By providing a common legal instrument for the sharing and reuse of software, the EUPL (European Union Public Licence)[2], the Commission has contributed significantly to the establishment of legal interoperability. However, the EUPL is far from being a unique instrument: there are currently no less than 348 different licence texts, that are all different and are also more or less compatible or incompatible. This situation is not expected to change in the foreseeable future, since today's solutions' development combines software components (including specifications, semantics or data) originating from outside national borders (such as from the US). For historical reasons, some US licences have been prominent, especially when they are inherited from or imposed by integrated components. Licensing is not requested when using combined solutions internally, but it is requested as soon these are shared and reused by other institutions or persons. Therefore, the European public sector, EU institutions and Member States face frequent licensing issues when applying their sharing and reuse policy.

This paper catalogues a diverse set of tools that have been implemented to support solution developers in their choice of licensing, by both the ISA programme in Joinup and by other external organisations. It then identifies the need and opportunity to implement a new solution in the framework of Joinup, the Joinup licensing assistant, which would not only be user-friendly, simple to use, but would also reuse the existing software developed for EU projects and that would be based on available, state of the art, standards. It further makes an assessment of the solution's governance and maintenance, which could be primarily based on the volunteer contributions of the wider "EUPL community" - a group of 130 individuals interested in current licensing issues, which is currently directed and moderated by the EC and legal experts. The development costs will be limited by reusing the existing software developed for the European Data Portal.

In so far as it could become a reference instrument, the envisaged Joinup licensing assistant will also attract new users and members who will, when joining the EUPL community, become motivated in contributing to the instrument's quality and to widening its audience. This paper proposes a phased plan, starting with a presentation and discussion of the proposed solution inside the EOLE community[3], at the Paris Open Source Summit on 5 December 2018. The discussion will help assess the utility,

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[1] #ISA2CONF18 – 22 November 2018 – Brussels - https://ec.europa.eu/newsroom/informatics/newsletter-specific-archive-issue.cfm?newsletter_service_id=1115&lang=default

[2] The last version of the EUPL is v1.2, published in 23 working languages Commission Implementing Decision (EU) 2017/863 of 18 May 2017 updating the open source software licence EUPL to further facilitate the sharing and reuse of software developed by public administrations (OJ 19/05/2017 L128 *p. 59–64*).

[3] EOLE is a group of European Lawyers specialised in the open source and free software ecosystems, which organises each year the European Open source and free software Lawyers Event (www.eolevent.eu)

advantages and possible weaknesses of the project and the contribution potential of volunteers from the EOLE community.

This paper is produced in the framework of the contract Open Source Observatory SC 50 - DI/07626 and more specifically TASK 5 (ad hoc legal coaching & facilitating the EUPL community), which serves the implementation of objectives 3, 4 and 5 of the Specific Contract:

- **Obj3**: Raise awareness of the benefits of using open source in the public sector, best practices and solutions.
- **Obj4**: Contribute to enhancing the user experience on Joinup.
- **Obj5**: Promote the use of the European Public Licence by the European public administrations.

1. Current situation

Efforts promoting the understanding of Free/Open licences and their classification are many and they are instrumental in supporting the users of various open licences for the reuse and distribution of software or data (and very often, both). Organisations like OSI (the Open Source Initiative) are involved with licences compliant with Open Source Software (OSS) principles. The FSF (the Free Software Foundation) is involved with licences compliant with the free software freedoms. In the past, they have delivered some additional information related to the use of OSS principles (OSI) or the compatibility with the GPL (FSF).

In the framework of the Linux foundation, the SPDX project produced a standard list of licence names and identifiers, providing access to up to 348 licence texts. Two other initiatives, the EUPL compatibility matrix and the "Licence Wizard", have been implemented in Joinup about 7-8 years ago (2010-11). These solutions did not manage to develop a user-friendly didactic tool, based on a content analysis of these licences. A more practical approach is developed in several books and in studies, such as INRIA's "fiches d'analyse". This section presents an overview of ongoing efforts to develop a didactic tool that is fit for purpose.

1.1. Open Software Initiative (OSI)

The Open Source Initiative plays an important role in establishing whether a licence is "Open Source". This approval constitutes a form of "certification", stating that a licence is compliant with the 10 OSS principles. Many licences that could be compliant are never "approved" because OSI wants to limit the proliferation of too many licences. If a licence does not provide any innovative new features, they prefer to discard it. In addition, OSI processes that are based on peer-to-peer discussions are generally slow (taking some years occasionally). The EUPL is however one of the few OSI-approved licences.

On its website (https://opensource.org/licences/category), OSI has tried to classify licences according to the following categories:

- Popular and widely-used or with strong communities;
- International;
- Special purpose licences;
- Other/miscellaneous licences;
- Licences that are redundant compared to more popular licences;
- Non-reusable licences;
- Superseded licences;
- Licences that have been voluntary retired;
- Uncategorised licences.

The initial category "popular and widely-used or with strong communities" provides a selection of 9 licences only, but the criteria redefining it remain unclear; what does "widely used" mean (what is the threshold, in terms of project numbers and lines of code) and what does "strong community" mean? For example, OSI takes into consideration communities of developers instead of government or institutional communities (like the European Commission supporting the EUPL). Moreover, OSI categories may

correspond to internal requirements but are not very useful when it comes to considering other functionalities. Some of the most interesting licences are uncategorised and the OSI list remains generally outdated.

1.2. Free Software Foundation (FSF)

The FSF provides a licence list on its site (http://www.gnu.org/licenses/license-list.en.html), where FSF classifies licences according to "self-centric" criteria, establishing whether a licence is considered "good" or "bad" for the promotion of the free software movement and propagation of its philosophy. The Classification further mentions:

- Whether the licence qualifies as a free software licence (meaning "approved" or certified as such by the FSF).
- Whether it possesses a copyleft licence (according to the FSF conception of copyleft, in particular whether it involves "strong copyleft").
- Whether it is compatible with the GNU GPL. Unless otherwise specified, most compatible licences are also compatible with both GPLv2 and GPLv3. (Even in this case, the FSF has adopted an extremely legalistic attitude: for example, the EUPL v1.2 is compatible with both the GPLv2 and GPLv3, but is classified as incompatible due to its compatibility not being expressly extended to the GPLv3 "and later", meaning that it is not yet compatible with a GPLv4 (which does not exist)).
- Whether it causes any practical problems (from a FSF or "GPL centric" point of view).

Here also, FSF categories may reflect its internal requirements and its commitment toward the extension of the free software movement, but they are of little use in classifying the content of licences and their functionalities. Some of the most interesting licences remain uncategorised.

1.3. Software Package Data Exchange (SPDX)

The Software Package Data Exchange or SPDX is an open standard for communicating a software bill of materials (including information on components, licences, copyrights, and security references).

SPDX reduces redundant work by providing a common format for companies and communities to share important data on software licences, copyrights, and security references, thereby streamlining and improving compliance.

The SPDX specification is developed by the SPDX workgroup, which is hosted by The Linux Foundation. The grassroots effort includes representatives from more than 20 organisations – involved with software, systems, tool vending, foundations and systems integrators – that are all committed to creating a standard for software package data exchange formats.

The SPDX Licence List is a list of commonly found licences and exceptions used in free and open source and other collaborative software or documentation. The purpose is to enable the easy and efficient identification of such licences and exceptions in an SPDX document, in source files or elsewhere. The list provides a standardised short identifier, a full name, a vetted licence text which

includes matching guidelines markup as appropriate, and a canonical permanent URL for each licence and exception.

Advantages of SPDX:

- Important standardisation work concerning the names and identifiers (to adopt);
- Licence repository, including nearly 350 different texts and a valuable toolkit for developers including: texts, exception lists (partial), data files, matching guidelines.

Limits of SPDX:

- According to the objectives of SPDX, this involves a standardisation of licences names (including all variants and exceptions) in order to create a solid reference repository. However, the purpose of this is not to provide assistance for the selection of licences based on their content/functionalities/legal characteristics: the SPDX list only mentions whether a licence is OSI or FSF approved;
- There is no website facilitating an easy selection of licence(s) based on their content, such as their Permissions, Obligations, Prohibitions and additional criteria like compatibility or interoperability, legal aspects etc.;

Due to multiple stakeholders and representatives, the standardisation process is quite slow (this is also true for the work of OSI and FSF).

1.4. Books and studies

Additional in-depth content analysis is provided by academic books or studies that are interesting but are mainly:

- Focused on a limited number of licences;
- Not regularly updated;
- Not interactive or user-friendly, as a good web site should be.

A good example is the analysis grid (fiches d'analyses) written by INRIA[4] (Steer/Fitzgibbon) for about 16 existing licences or their variants (GPL-2.0, GPL-3.0, LGPL-3.0, AGPL, CeCILL-2, BSD, MPL, Apache, QPL, EUPL-1.1, EPL, OSL, CPL). The INRIA analysis classifies the 16 licences according to the main categories B and C, and additional the following sub-categories:

- Usage **(→ Permissions)**
- Distribution rights and obligations **(→ Obligations)**
- Changing of licence/compatibility with other licences **(→ Interoperability)**
- Specific contractual dispositions **(→ could possibly be split between other categories and legal aspects)**
- Responsibility and judicial context **(→ Legal aspects)**
- Material references: links with developers' communities, licence steward, OSI ?, FSF ?, Examples… **(→ References or "Support")**

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[4] INRIA - Institut National de Recherche en Informatique et en Automatique – Paris, France

What is currently missing from the INRIA grid are « prohibitions » (such as the prohibition of commercial use, the prohibition of software use for military purpose, the requirement for use for the public sector etc.). It is true that many of these prohibitions contribute to making the licence "non-open-source-compliant", because OSI principles do not limit use based on the purpose or the category of the user. Such exclusions are however quite frequent within the public sector licensing practices and should be mentioned. Additional legal studies and analysis grids have been produced. These include, among others, publications in the International Free and Open Source Software Law Review (IFOSSLR), the works of IFRoss in Germany (Till Jaeger) and the book of Benjamin Jean "Free Option – the good use of Open Source Services".

1.5. JOINUP

So far, JOINUP has proposed two "solutions", which were delivered about 6-7 years ago:

- The EUPL compatibility matrix (which is a static .pdf worksheet mentioning, upwards and downwards, the compatibility of other OSI approved licences with the EUPL) presented in Figure 1 below.

Figure 1 EUPL Compatibility Matrix

This matrix is useful when it focuses on obtaining information on the possibility to share or distribute software under EUPL after integrating (copying, merging, linking) other components with it. This is inconvenient for the licence selection choice and is of course "EUPL-centric". It is also not interactive.

- A "Licence Wizard", which is a step by step guidance based on multiple HTML pages.

Figure 2 Licence Wizard Example

As a selection of HTML pages, the licence wizard is more interactive but not very practical or user friendly (requiring multiple mouse clicks). With the exception of a handful of licences (GPL and EUPL) it does not provide information concerning the licence's content.

1.6. Specific tools

1.6.1. "Chose a Licence"

A tool whose purpose is similar to that of the proposed licensing assistant is the "Choose a License" tool which is available on https://choosealicense.com. On its front page, it restricts the basic choices to three options:

- MIT for simple and permissive licensing;
- GPLv3 for ensuring the sharing of improvements;
- A handful of "community related licences" (mainly the Apache 2.0).

The tool has an option "I want more choices", which proposes a type of analysis grid:

Figure 3 "Choose a License" Analysis Grid

Additional choices are limited to seven options (including the already mentioned GPLv3, Apache 2.0 and MIT), meaning that four other possibilities were added: GNU AGPLv3, GNU LGPLv3, MPL 2.0 and "the Unlicence".

However, the careful reader will find an **appendix**[5] that provides a table of 34 licences (27 being added to the seven mentioned previously) with their permissions, conditions and limitations.

This appendix is probably the "closest" thing compared to the Joinup Licensing Assistant project, with the following limitations:

- There is no "interactive" licence selection, based on licences characteristics (like the one enabled by the European Data Portal);
- Some categories or selection criteria provided by "Choose a license" seems useless or not really relevant:
  - All licences, without exceptions, permit commercial use, private use, distribution and modification;
  - All licences (or almost) require the respect of copyright notices;
  - All licences do not provide warranty and exclude or limit liability.
- Some interesting categories are missing, in particular:
  - Licence compatibility or interoperability;
  - Whether SaaS is covered (or not);
  - The legal environment, applicable law or venue;
  - Available support provided (i.e. by governments, by communities and approval by OSI or by FSF);
  - If licence has a working value in other languages than English.

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[5] https://choosealicense.com/appendix/

Figure 4 The complete "Choose a license" Appendix

Legend: 🟢 = permission (green), 🔵 = condition (blue), 🔴 = limitation (red)

License	Commercial use	Distribution	Modification	Patent use	Private use	Disclose source	License and copyright notice	Network use is distribution	Same license	State changes	Liability	Trademark use	Warranty
Academic Free License v3.0	🟢	🟢	🟢	🟢	🟢		🔵			🔵	🔴	🔴	🔴
GNU Affero General Public License v3.0	🟢	🟢	🟢	🟢	🟢	🔵	🔵	🔵	🔵	🔵	🔴		🔴
Apache License 2.0	🟢	🟢	🟢	🟢	🟢		🔵			🔵	🔴	🔴	🔴
Artistic License 2.0	🟢	🟢	🟢	🟢	🟢		🔵			🔵	🔴	🔴	🔴
BSD 2-Clause "Simplified" License	🟢	🟢	🟢		🟢		🔵				🔴		🔴
BSD 3-Clause Clear License	🟢	🟢	🟢	🔴	🟢		🔵				🔴		🔴
BSD 3-Clause "New" or "Revised" License	🟢	🟢	🟢		🟢		🔵				🔴		🔴
Boost Software License 1.0	🟢	🟢	🟢		🟢		🔵				🔴		🔴
Creative Commons Attribution 4.0 International	🟢	🟢	🟢	🔴	🟢		🔵			🔵	🔴	🔴	🔴
Creative Commons Attribution Share Alike 4.0 International	🟢	🟢	🟢	🔴	🟢		🔵		🔵	🔵	🔴	🔴	🔴
Creative Commons Zero v1.0 Universal	🟢	🟢	🟢	🔴	🟢						🔴	🔴	🔴
Educational Community License v2.0	🟢	🟢	🟢	🟢	🟢		🔵			🔵	🔴	🔴	🔴
Eclipse Public License 1.0	🟢	🟢	🟢	🟢	🟢	🔵	🔵		🔵		🔴		🔴
Eclipse Public License 2.0	🟢	🟢	🟢	🟢	🟢	🔵	🔵		🔵		🔴		🔴
European Union Public License 1.1	🟢	🟢	🟢	🟢	🟢	🔵	🔵	🔵	🔵	🔵	🔴	🔴	🔴
European Union Public License 1.2	🟢	🟢	🟢	🟢	🟢	🔵	🔵	🔵	🔵	🔵	🔴	🔴	🔴
GNU General Public License v2.0	🟢	🟢	🟢		🟢	🔵	🔵		🔵	🔵	🔴		🔴
GNU General Public License v3.0	🟢	🟢	🟢	🟢	🟢	🔵	🔵		🔵	🔵	🔴		🔴
ISC License	🟢	🟢	🟢		🟢		🔵				🔴		🔴
GNU Lesser General Public License v2.1	🟢	🟢	🟢		🟢	🔵	🔵		🔵	🔵	🔴		🔴
GNU Lesser General Public License v3.0	🟢	🟢	🟢	🟢	🟢	🔵	🔵		🔵	🔵	🔴		🔴
LaTeX Project Public License v1.3c	🟢	🟢	🟢		🟢	🔵	🔵			🔵	🔴		🔴
MIT License	🟢	🟢	🟢		🟢		🔵				🔴		🔴
Mozilla Public License 2.0	🟢	🟢	🟢	🟢	🟢	🔵	🔵		🔵		🔴	🔴	🔴
Microsoft Public License	🟢	🟢	🟢	🟢	🟢		🔵					🔴	🔴
Microsoft Reciprocal License	🟢	🟢	🟢	🟢	🟢	🔵	🔵		🔵			🔴	🔴
University of Illinois/NCSA Open Source License	🟢	🟢	🟢		🟢		🔵				🔴		🔴
SIL Open Font License 1.1	🟢	🟢	🟢		🟢		🔵		🔵		🔴		🔴
Open Software License 3.0	🟢	🟢	🟢	🟢	🟢	🔵	🔵	🔵	🔵	🔵	🔴	🔴	🔴
PostgreSQL License	🟢	🟢	🟢		🟢		🔵				🔴		🔴
The Unlicense	🟢	🟢	🟢		🟢						🔴		🔴
Universal Permissive License v1.0	🟢	🟢	🟢	🟢	🟢		🔵				🔴		🔴
Do What The F*ck You Want To Public License	🟢	🟢	🟢		🟢								
zlib License	🟢	🟢	🟢		🟢		🔵			🔵	🔴		🔴

The "Choose a license" approach is indeed interesting and some of its "acquis" is to be considered and reused in a next generation tool, but the appendix, which has a poor visibility, is not interactive and does not provide some of the most useful selection criteria.

1.6.2 OpenAire

Other initiatives have been announced, apparently without any significant outcome so far. A working group in the OpenAire project (https://www.openaire.eu/) expressed the following intention: "One of the goals of WG3 is to develop an easy to use licence compatibility tool that TDM researchers and anyone else interested can use to navigate the sometime confusing area of copyright licences".

1.6.3 The CIPPIC Licensing Information Project

A Canadian project is probably the most ambitious. It is currently available in Clipol.org (www.clipol.org) and is produced by CIPPIC. It provides a very detailed analysis grid. It might be considered too ambitious, detailed and complex. The system is based on "self-introduction" and contains a selection of widely used licences (GPL etc.) plus local licences created by Canadian authorities, occasionally at the municipal level, and may not be fully operational currently[6].

Figure 5 CIPPIC Analysis Grid

The CIPPIC analysis grid is translated in a type of "standard re-writing of the licence" which seems a little bit hazardous (the original text is also available). This grid and its compatibility analysis are probably the most interesting component of this analysis grid. However, the system provides overall little help for selecting a convenient licence, because the selection is based on limited and general criteria, each selection producing a long list of:

- Licences for content;
- Licences for data;
- Licences for software;
- International licences;
- Government licences.

1.6.4 TLDRLegal

TLDRLegal (https://tldrlegal.com) is another tool describing also the licences content (permissions, prohibitions, obligations), without allowing a selection based on this content. The user must provide the licence name and receives back a "quick summary", as follows (this is the Apache v2 summary)

Can	Cannot	Must
▸ Commercial Use	▸ Hold Liable	▸ Include Copyright
▸ Modify	▸ Use Trademark	▸ Include License
▸ Distribute		▸ State Changes
▸ Sublicense		▸ Include Notice
▸ Private Use		
▸ Use Patent Claims		
▸ Place Warranty		

❶ Disclaimer: This is only a short summary of the Full Text. No information on TLDRLegal is legal

What looks fine in the TLDRLegal tool is the good readibility and the fact each category (when simply clicking on it) is well defined and explained. This is a good idea to take over:

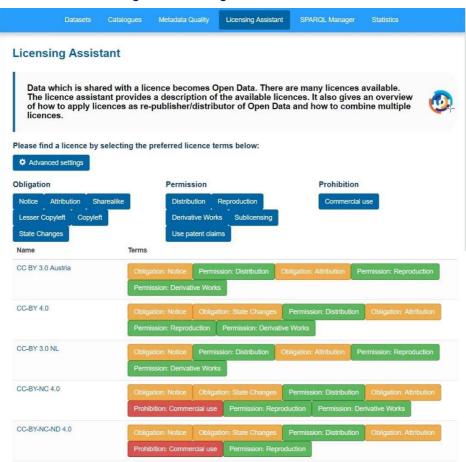| Can	Cannot	Must
▾ Commercial Use	▸ Hold Liable	▾ Include Copyright
Describes the ability to use the software for commercial purposes.	▾ Use Trademark	Describes whether the original copyright must be retained.
▾ Modify	Describes the allowance of using contributors' names, trademarks or logos.	▸ Include License
Describes the ability to modify the software and create derivatives.		▾ State Changes
▾ Distribute		Stating significant changes made to software.
Describes the ability to distribute original or modified (derivative) works.		▸ Include Notice

1.7. The European Data Portal

The European Data Portal https://www.europeandataportal.eu/en/content/show-license proposes a user-friendly interface (an EC-owned software), which is focused on licences that could be used for the distribution of open data. The solution is easy to use and proposes a data-oriented subset of licences (about 30) based on a selection of:

- Permissions;
- Obligations;

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[6] We tried to fill the questionnaire by introducing relevant entries for the EUPL without success, receiving a blank screen with the message "We are sorry, something went wrong", provided without any other explanation…

- Prohibition(s).

Figure 6 Licensing Assistant Interface

The selection of some obligation(s), permission(s) or of a single prohibition leads to the selection of a licence(s) which correspond exactly with the selected criteria. The "advanced setting" button provides the specific functionality of "weighted filtering": which ranks licences by the level of their compliance to the criteria (even when not compliant with all selected criteria).

The EDP interface is easy to use and particularly user-friendly. It provides immediate results according to the user's selection. The repetition of the main category in each sub-category ("Obligation : State Changes") looks a little bit heavy and could be avoided. In addition, the software is multilingual. This software is owned by the EU (contact person: Daniele Rizzi, EC - Directorate General Communications Networks, Content and Technology Unit G1 - Data Policy & Innovation) and could be reused in the framework of a Joinup licensing assistant solution. However, to really inform on the specificity and interoperability of each licence, more categories must be implemented and, as the categories cannot communicate the details of all provisions, a comment field should also be included.

2.A new Joinup Licensing Assistant (?)

2.1.Purpose

The creation of a Joinup Licensing Assistant would enable the targeting of developers and copyright owners (i.e. public sectors authorities) that want to distribute (share) or reuse software, specifications or data. This will facilitate a selection of licences based on:

- Name;
- Content (obligations, permissions, prohibitions);
- Compatibility or interoperability;
- Legal environment (applicable law, venue);
- Support (is the licence widely supported, by a strong community or by a government, or similar).

In addition to categories, specific comments will be adapted for each licence. The assistant should become a reference - or highly visited page - on Joinup. It should also operate in collaboration with other sites, such as SPDX, to access licence texts and to become compliant with standards. It should be envisaged as an instrument to enhance discussions and reinforce a strong and active community on Joinup. While this would reinforce the existing EUPL community, the Joinup licensing assistant will not be solely "EUPL centric" and will contribute to objectives 3 and 4 of the Task 5 of the specific OSOR contract, which are:

- Raise awareness of the benefits of using open source in the public sector, best practices and solutions;
- Contribute to enhancing the user experience on Joinup.

2.2.Presentation / Discussion

The concept (this paper / a solution description in Joinup / a discussion forum to be opened in Joinup) will be presented and discussed. It is expected that most of the discussion will address the compatibility/complementarity of the proposed classification categories with other initiatives. The proposed categories (that will be discussed) are:

- Permissions (can);
  - o Reproduction (ability to make copies);
  - o Modify (ability to modify the work, making derivatives and ability to make additional work related to it);
  - o Distribute (ability to distribute copies or derivatives to others);
  - o Sub-license (ability to become a licensor of your derivatives);
  - o Commercial use
  - o Use patents (ability to freely use authors' patents, needed for the exercise of licence rights);
  - o Place Warranty (ability to extend rights and provide your own warranty on the software).

- Obligations (must);
    - Include copyright (preservation of the copyright notice);
    - Attribution (attribution of copyright to relevant authors);
    - State changes (documentation of all modifications made);
    - Copyleft (when redistributing derivatives, using the same licence);
    - Share alike (same as copyleft, used by Creative Common licences);
    - Lesser copyleft (technical derivatives may be distributed under other licences);
    - Cover Saas (on-line or cloud computing distributions).

- Prohibitions (cannot);
    - Hold liable (warrant that the software/license owner can be charged for damages).
    - Use trademark (allowance of using owner or contributors' names, trademarks or logos)
    - Commercial use (work cannot be used for commercial purpose);
    - No change (modifications are not allowed);
    - Ethical clauses (work cannot be used for military purposes, the production of pesticides, etc. etc.);
    - Public sector only (work is reserved to a specific class of recipients: public administration).

- Compatibility;
    - None / not applicable (when there is no compatibility);
    - Permissive (when derivatives and combinations can be distributed under any other licence);
    - With GPL (when the licence is not the GPL but allows derivatives to be distributed under the GPL);
    - Other copyleft (when the licence is copyleft but allows derivatives to be distributed under some other copyleft licences);
    - Freedom of linking (when linking the covered programme with other works has no impact on the licensing of these other works);
    - Multilingual (when the licence has a working value in several languages);
    - For data (when the licence is convenient for licensing data or specifications);
    - For software (when the licence is convenient for licensing software).

- Legal;
    - EU / MS law (the licence is covered by EU law or that of an EU Member State);
    - US law (the licence is expressly or implicitly covered under US law);
    - Other law (the licence is expressly or implicitly covered under another applicable law, i.e. Quebec, India etc.);
    - Non-fixed (nothing in the licence indicates an applicable law);
    - Venue fixed (the competent court is fixed in the licence).

- Support;
    - Community (important developers' community / widely used licence, according to OSI);
    - Government/EU (licence is supported and promoted by a government, by the EU itself or by a similar institution);
    - OSI approved (licence is approved by the open source initiative);
    - FSF free/libre (licence is considered as a "free software licence" by the Free Software Foundation).

The concept was presented/discussed at EOLE (European Open-source Lawyers Event) in Paris on 5 December 2018 and the following aspects will be discussed and met support:

- Opportunity/need/utility;
- Look-and-feel/interface (based on the EDP software prototype https://www.europeandataportal.eu/en/content/show-license);
- Proposed categories and attributes;
- Other planned functionalities.

An Illustration of this can be seen below (this will be refined in the "Terms of Reference"):

Figure 7 Proposed Categories to be covered by Joinup Licensing Assistant

In addition, searching the name or identifier (provided according to the SPDX standard) should be made possible. Added marks will provide a detailed explanation on the meaning of the various categories, for example "What is the meaning of "Covers SaaS".
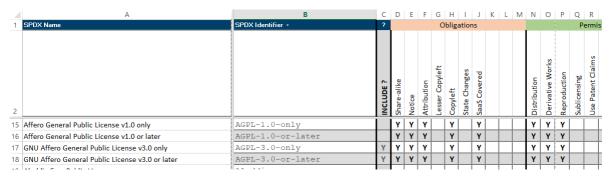
2.3. Method

Once the categories will be fixed, the dynamic analysis grid may be developed as a worksheet where licences reported in the SPDX list will be included (or not) with their obligations, permissions, prohibitions, compatibility, law and support.

A comment will be provided for each included licence. A licence will not be included if:

- It is retired/outdated;
- It is without interest in the framework of Joinup;
- Analysis is ongoing, drafted or not completed.

Figure 8 Example of Dynamic Analysis Grid Worksheet

2.4. Software

It seems that the easy and cost-effective option could be to develop the Joinup Licensing Assistant software from the software developed for the European Data Portal, which presents similar functionalities. The main additions are expected to be:

- Richest categories;
- Compliance with SPDX for names and identifier;
- Additional comment in order to provide more specific information.

This option is to be confirmed in the final phase 3.

2.5. Governance

The Joinup Licensing Assistant will be a "solution" developed within Joinup, as a part of the EUPL collection (this collection is not focused on the EUPL only, but also on various licensing supports). The solution is envisioned to create a discussion forum open to everyone (sole condition: to register on Joinup). The discussion forum will provide input for the analysis grid.

The Analysis grid will be updated by the solution owners (the various member of the EUPL community, including EU JRC lawyers and legal experts). The licence categories (i.e. if a licence will be categorised as "copyleft" or not) would be discussed between the group of contributors: everyone will be able to provide comments in the solution discussion forum, and decisions should be taken inside the group.

Any Joinup user may join the EUPL community (this person will not be automatically become a solution owner; this depends on co-optation by other owners, based on references/experience). The envisaged analysis grid will be regularly uploaded into the Joinup Licensing Assistant.

2.6. Planning / Phases

Phase 1 (October – November 2018) constitutes the clarification of the licensing assistant concept, contributing to a draft paper explaining the context, the objectives of this "solution" in Joinup and working on the main possible categories that would be useful to classify licences and facilitate their comparison and selection by users and developers. This first draft is to be circulated inside the EC/project team. The idea is not to propose a "finished concept" but a discussion to collect the contributions of a group of competent persons.

Phase 2 (December 2018) consists in the collection of reactions from various interested stakeholders, including JRC lawyers and any other EC expert providing their opinion on the project. The project will first be presented as a draft at the Paris Open Source Summit (EOLE Event) and comments will be collected from the EOLE community in Paris. For this presentation, the last version of the present concept paper will be transposed into a "PowerPoint" (or equivalent format) presentation.

After the Paris meeting and after consolidating the collected comments, a go/no go decision will be taken concerning the finalisation of the specifications (finalising a "technical annex", aimed to reuse as much as possible of the software developed in the framework of the European Data Portal). This could be done between mid-December 2018 and January 2019.

Phase 3 (January - February 2019), the envisioned timeline proposed depends on the project meeting favourable opinions/comments and the finalisation of technical specifications, to assess the maximum budget that could be allocated in the framework of available service contracts. This will be finalised, and if there is budget is available, will start with a go/no go decision related to the realisation.

Phase 4 (planning to be defined), involves the development, testing and validation of the solution. In parallel to this, the initial content (worksheet based on the analysis grid) will be elaborated.

Phase 5 (planning to be defined) constitutes the production, with updates based on the community contribution.

2.7. Costs

The maximum development costs – based on reusing the existing software – will be estimated by DG Digit in phase 3 of the project and in the framework of the currently available resources or service contracts.

The Joinup Assistant Content (analysis grid) will be partly provided under the oversight of the EUPL community (running contracts and adapting to work volumes on a case-by-case basis) and partly through voluntary contribution from the EUPL community members.