

Does Perl, Python and Tcl Licensing Put Your Intellectual Property at Risk?

If you think software licensing and IP infringement lawsuits only affect the big players with hundreds of millions of dollars on the line, you're wrong.

Avoiding legal trouble can be complicated when your IT or software development project includes third-party software components like open source dynamic languages Perl, Python and Tcl. Too often, busy developers put their companies at risk by glossing over or recklessly clicking through on licensing requirements. The result can be expensive lawsuits and damaged reputations — lessons these companies learned the hard way.

Open Source Community Bares its Teeth

In 2007, Monsoon Multimedia Inc. was charged with using an open source set of Unix utilities called BusyBox without publishing the source code, as required under the GPL license. If Monsoon Multimedia Inc. had been found guilty, BusyBox would have received damages, an injunction to stop the infringement and reimbursed court costs. The lawsuit was settled out of court¹, but this early case signaled a strong precedent for open source programmers aggressively protecting their intellectual property.

Runaway Lawsuit

Model train enthusiast and software developer Robert Jacobsen started the Java Model Railroad Interface (JMRI) open source project in 2000. His software — offered free under an open source license — controls train navigation on a track layout. Model train software vendor KAMIND Associates Inc. violated the license by using Jacobsen's code in a commercial product without adhering to license requirements. This contentious lawsuit lasted four years. Jacobsen finally won the appeal in 2008² and received a settlement payment in 2010.

Big Players Mean Business

Technology giants are serious when it comes to protecting open source licensing rights. In 2010, Oracle Corp. filed a lawsuit against Google Inc., claiming that Google used Oracle's Java VM technology as a basis for the Google Android mobile operating system without licensing Oracle's open source code properly. Unless Google can prove the Android virtual machine is indeed its own proprietary technology, Oracle will seek triple damages, reimbursement for legal expenses and, most dramatically, the destruction of all Android devices. Whether or not the lawsuit succeeds, Sun's Java Run Time Environment users will surely be doing due diligence on their licenses.

Palm Caught Out for Copyright Violation

Smartphone vendor Palm got a PR lashing when Artifex Software sued the company for copyright violation in 2009. Artifex argued that the PDF viewer in Palm's Pre smartphone integrated its PDF rendering engine without proper GNU GPL licensing. Where's the evidence? Palm's own documentation admits to including Artifex's technology. Regrettably, Artifex says Palm neither bought a commercial license nor complied with GPL terms³. The lawsuit is ongoing.

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*Tillmann A. Basien
CTO, Toolbox Solutions*

1. Stephen Shankland, "BusyBox settles Monsoon GPL lawsuit", CNet, October 31, 2007, http://news.cnet.com/8301-13580_3-9808378-39.html

2. Scott M. Fulton III, "Appeals court upholds validity of open source license", betanews, August 14, 2008, <http://www.betanews.com/article/Appeals-court-upholds-validity-of-open-source-licenses/1218728720>

3. John Biggs, "Artifex sues Palm for stealing their PDF Viewer technology", Crunchgear, December 3, 2009, <http://www.crunchgear.com/2009/12/03/artifex-sues-palm-for-stealing-their-pdf-viewer-technology/>

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Electronics Manufacturers Keep BusyBox Busy

Just one year after settling with Monsoon Media, BusyBox developers agreed to dismiss yet another lawsuit out of court, this time with bigwig Verizon Communications Inc. Like Monsoon, Verizon turned a blind eye to GNU license requirements. The settlement included an undisclosed payment to the plaintiff. But that's not the end of the story. Currently, 14 manufacturers including Best Buy, JVC and Samsung are charged with distributing BusyBox without releasing BusyBox source code⁴.

Lack of oversight is not the only licensing gotcha. Licensing can go wrong in many ways:

- » Open source licensing is notoriously complex and difficult to decipher; there are dozens of open source licenses, each with different requirements.
- » Tight software development timelines don't always allow for comprehensive license research and management.
- » Open source languages are made up of thousands of libraries, modules, packages and frameworks, each with unique licenses and rules that must be followed.

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4. "BusyBox Developers Agree to End GPL Lawsuit Against Verizon", [www.softwarefreedom.org](http://www.softwarefreedom.org/news/2008/mar/17/busybox-verizon/), March 17, 2009, <http://www.softwarefreedom.org/news/2008/mar/17/busybox-verizon/>