

FOSS Licenses

Terminology

- Free software – software that can be freely shared and modified, emphasizing freedom.
- Open source software – almost the same as free software, but not emphasizing freedom.
- FOSS, F/OSS, FLOSS – free and open source software.
- DFSG-compliant – compliant with the Debian Free Software Guidelines (basis of OSI).
- OSI-approved – approved by open source initiative.
- Proprietary, closed-source, non-free – distributed under royalty-based licenses.
- Public domain – Unlicensed, no copyright.
- Copyleft – Uses copyright law to subvert copyright.

Main Issues

- Compatible with proprietary licenses?
 - Apache, X Consortium, BSD, MIT
- Not compatible with proprietary licenses?
 - GNU GPL – derivatives must be free.
- Enforcement of crediting (i.e. explicit notice)
- Protection of trademark
- Protection of artistic integrity
 - Artistic license (Perl), TeX license (Donald Knuth)

Licensing Lists/Definitions



~185

fedoraproject.org/wiki/Licensing



~60

www.opensource.org



FREE SOFTWARE
FOUNDATION

~80

www.fsf.org



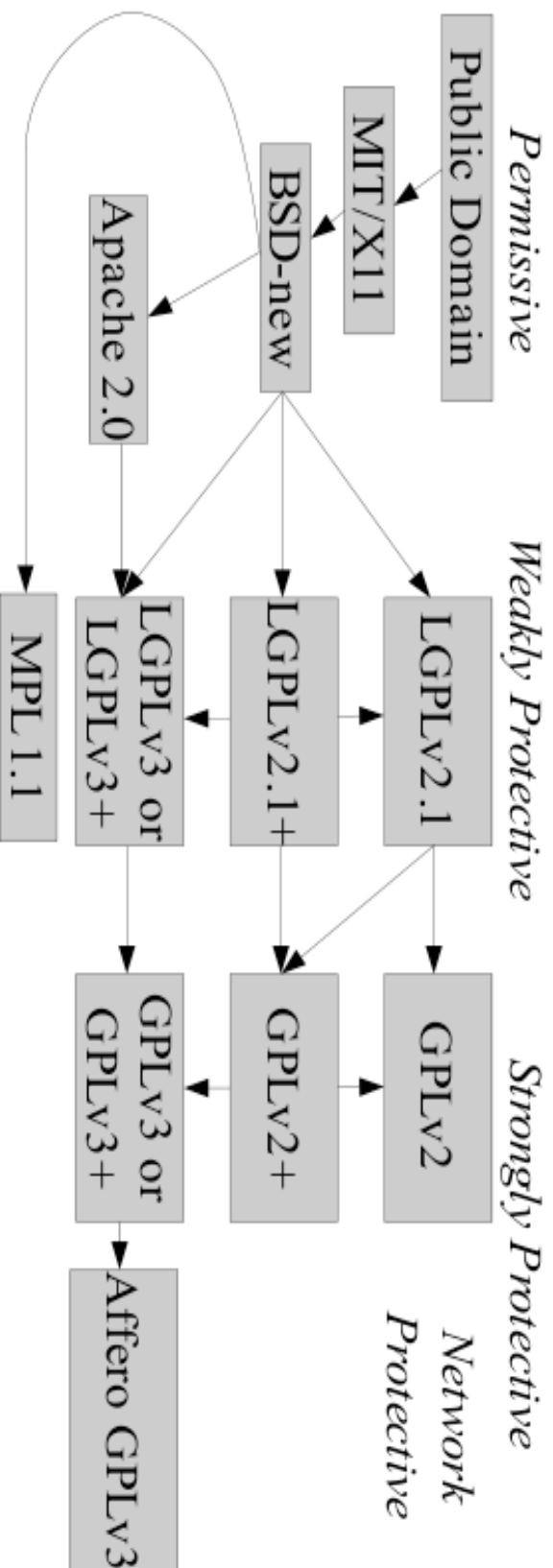
~5

creativecommons.org



<http://www.debian.org/>

FOSS License Overview



Source: David Wheeler, The F/LOSS Slide, 2007.

- Permissive – can become proprietary.
- Strongly protective – cannot become proprietary.
- Weakly protective – can be component in proprietary software.

License Compatibility

- Proprietary-compatible or not?
- GNU GPL (Incompatible)
 - Any derivative work must be licensed under GPL.
 - No additional restrictions may be applied.
 - Viral license
 - Most popular license (55.1% v. 6.3% BSD)
- Lesser GPL (LGPL, 9.6%)
 - Can be mixed more easily with proprietary code.
- Proprietary-compatible licenses
 - Apache, X, MIT, BSD.

Major Licenses

- Artistic License (Perl, 8.7%,)
 - “Bad” (Callaway)
- MIT/X (3.8 %)
 - Compatible with GPL; short and sweet.
- BSD
 - Originally contained “advertising clause”

License Market Share

License	Share of Apps
GNU GPL v 2.0	50.1
GNU LGPL 2.1	9.6
Artistic License	8.7
BSD 2.0	6.3
GNU GPL	5.1
Apache 2.0	3.9
MIT	3.8
Code Project Open 1.02	3.4
Mozilla 1.1	1.3
Microsoft MS-PL	1.0

Source: Back Duck Software, 2009

Dual Licensing Schemes

- Works better with libraries.
- MySQL
 - GPLv2 with exceptions
 - Copyright owner is free to ignore GPL terms (true of any copyright).
- Stallman opposes Oracle takeover of MySQL
 - <http://www.itwire.com/content/view/28749/1090/>

Software Patents

- Protection of ideas.
 - Independent of implementation, code, language.
- Arms race among major software firms.
- Cross licensing agreements.
- Sun and IBM's gesture (freed 2000 patents).
- GPL, Apache anti-patent clauses.
- Fogel – “chilling effect” on free software.
- <http://www.nosoftwarepatents.com>

STOP

SOFTWARE PATENTS .EU petition

Stallman on Patents

- Copyrights
 - Cover details of expression
 - Happen automatically and are free to create.
 - Last for a long time and cover copying only
- Patents
 - Cover ideas and their use (not implementation).
 - Require an application and require lawyers.
 - Last 20 years.

Software Patent Issues

- May be made in secret
 - Unix compress program (1983) and LZW (1985)
 - Topological sorting of spreadsheet cells.
- Hundreds of thousands in existence.
 - Impossible to research.
- Not valid in Europe and Australia (?)
- Possible Actions: Avoid, Licenses, or Litigate.

Avoiding Patents

- Just drop that feature from the software.
- XyWrite abbreviation feature (80s) – same as emacs feature (70s).
- PKE patten expired in 1997.
 - Except for PGP, it suppressed any PKE development in U.S.
- Compress/gzip example.

Licensing Patents

- Sometimes not available to licenses.
 - League for Programming Freedom casino game software.
- Expensive
 - Practically, 2 or 3 patent licenses max for a piece of software to remain feasible.
- Cross licensining
 - Collusion played by large software companies
 - Playing defense with software patents.

Litigating Software Patents

- Prohibitively expensive.
- “Ridiculously obvious” software has been patented.
 - e.g., Microsoft's TomTom suit over the FAT.
- Prior art issue – if never litigated, never resolved.
- Example: British Telecom's 1975 patent of “following hyperlinks with telephone access”
 - Stallman's prior 1974 Info package allowed dial up access to a hypertext system.