Only Open Source Licensing

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Introduction

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♔ I am a disputes lawyer in India. My practice focuses on commercial dispute resolution covering IP, construction, contracts in litigation and arbitrations

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Outline

♚ **Open Source (OS): A Concept**

♚ **Types of Free & Open Source (FOSS) Licenses**

♚ **Restrictive Licenses**

♚ **Commercial Use Licenses**

♚ **Risks of Using OS Licenses**

Open Source
A Concept

What is open-source code?

♚ From a programmer's point of view

 ♛ Free – to use and to copy too!

 ♛ Code that can be shared freely

 ♛ Parts or full of the code that can be used freely in own applications

 ♛ Libraries that can be called and even linked in own applications

 ♛ Examples

  ♞ Linux Kernel

  ♞ FSF's Compilers like GCC

  ♞ Apache's Web-Server

What is open-source code?

♔ From a copyright point of view
  ♕ Code that is copyrighted
  ♕ But a license is given to world at large
  ♕ Permission to copy, remix, reuse, redesign the code
  ♕ Varying conditions across OS licenses
  ♕ Cost-free redistribution
  ♕ Key-concept: COPYLEFT

FSF GNU License 3.0

♚ "4. Conveying Verbatim Copies.

♚ You may convey verbatim copies of the Program's source code as you receive it, in any medium, provided that you conspicuously and appropriately publish on each copy an appropriate copyright notice; keep intact all notices stating …

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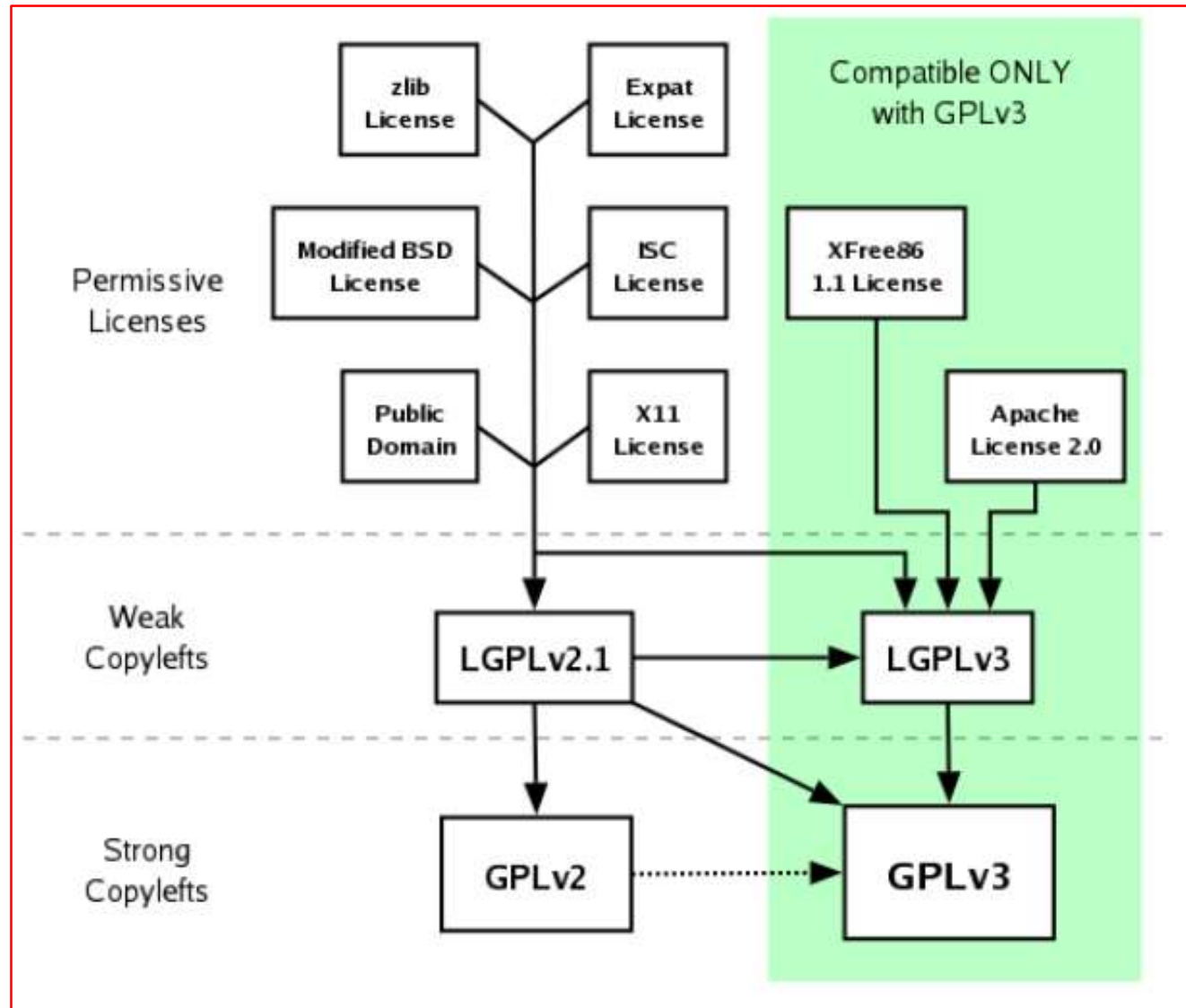# FSF GNU License 3.0

♔ "5. Conveying Modified Source Versions.

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GPL Foundations

- the freedom to use the software for any purpose,

- the freedom to change the software to suit your needs,

- the freedom to share the software with your friends and neighbors, and

- the freedom to share the changes you make.

- https://www.gnu.org/licenses/quick-guide-gplv3.html

GPL Licenses

Source:
https://www.gnu.org/licenses/quick-guide-gplv3.html

LGPL - Lesser GPL

♛ License that integrates GPL components with non-GPL components in linked form

♛ Copyleft applies if GPL components are modified.

Types of FOSS Licenses

Too Many Types

♔ There is a list at: https://opensource.org/licenses/

♔ Comparison is available here:
https://en.wikipedia.org/wiki/Comparison_of_free_and_open-source_software_licenses

♔ Totally Free License – Public Domain

♔ Main Concerns
  ♕ Commercial Use
  ♕ Requirement to Republish (Copyleft / Permissive)
  ♕ Attribution

MIT License

♛ Notice Requirement

♛ "Permission is hereby granted, free of charge, to any person obtaining a copy of this software and associated documentation files (the "Software"), to deal in the Software without restriction, including without limitation the rights to use, copy, modify, merge, publish, distribute, sublicense, and/or sell copies of the Software, and to permit persons to whom the Software is furnished to do so, subject to the following conditions:

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♚ Many other conditions.

Commercial Use Licenses

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♕ If the Work includes a "NOTICE" text file as part of its distribution, .."

Risks of Using OS Licenses

Investor Risk

♛ Any investor will want clarity on asset rights

♛ If code uses GPL'ed or modified LGPL'ed components, it will be easy to copy the code as the license requires all changes to be made freely applicable under the same GPL terms

♛ Investors want very clean room approach to code ownership

Competitor Risk

♛ Cannot sue the competitor if they use your own modified GPL'ed code.

♛ In practice low risk since software is a black-box; near impossible to reverse engineer object / binary code.

THANK YOU

Happy To Keep in Touch Via LinkedIn.

You can follow my updates at:

https://www.linkedin.com/in/hbs/

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