

Open Source Licensing (and Beyond)

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Background to Licensing

- Everything starts from copyright
 - Government-granted monopoly giving copyright holder right to control distribution/use of copyrighted material
- Copyright holder can decide licensing strategy
 - Who gets to have a license
 - What rights are included with license
 - What they give up in exchange for a license
 - Whether licensees can sublicense in turn
- Open source licenses are special case of licensing
 - Particular set of ways to license copyrighted source code
 - No copyright holder (public domain) → no license needed

Underlying Points of View

- The moral point of view (“free software”)
 - “We as software users should be able to freely share”
- The technical/research point of view (“open source”)
 - “We want to work with others to create useful and higher-quality software”
- The business point of view (“collaborative development”)
 - “We can’t meet user demand for innovation by ourselves”
 - “We need to build a bigger/more loyal/more productive customer/partner community than our competitors”

Licensing from Moral POV

- Goals
 - Promote the creation of free software
 - Discourage the creation of proprietary software
- Worst fear
 - “Privatization” of free software by non-cooperators
- Licensing strategy
 - Require derivative works to be licensed under the same (free software) license terms as original work (“copyleft”)
- Paradigm license
 - GNU General Public License (GPL)

Licensing from Technical POV

- Goal
 - Promote software use and wider peer review
- Worst fears
 - Licensing terms become barrier to adoption
 - Legal risks arise from distributing software
- Licensing strategy
 - Put no restrictions on use, disclaim warranties
- Paradigm license
 - MIT license for X Window System (and other software)

Licensing from Business POV

- Goal
 - Support generation of revenue and profits
- Worst fears
 - Losing revenue opportunities
 - Giving advantages to competitors
- Licensing strategy
 - Retain control, preserve advantages
- Paradigm license
 - Sun Community Source License (SCSL)
 - Note that SCSL is *not* an open source license!

Variant Licenses

- GNU Lesser General Public License (LGPL)
 - GPL for libraries, copyleft restricted to library
- Mozilla Public License (MPL)
 - GPL-like, but much less expansive copyleft
- BSD license, Apache Software License
 - MIT-like, with attribution to author
- Sun Industry Standards Source License (SISSL)
 - Rights conditioned on compliance with standard

What OS Licenses Have in Common

- They accompany and apply to source code, not (just) binary executables
- They grant (fairly) unrestricted rights to use source code, modify it, and redistribute it in original or modified form
- Rights do not require payment of license fees or any other separate contractual agreement
- For more details see
 - Open Source Definition (OSD)
 - Debian Free Software Guidelines (DFSG)

Advantages of Open Source Licenses

- Perceived as fairer by contributors
 - Contributors are (almost) as free to use and commercially exploit open source software as the original developers
 - Makes being a contributor more attractive
- Lowers transaction costs of doing collaborative development and related business activities
 - Helps eliminate licensing as a barrier to partnering
 - Means more possible contributors, more opportunities to do business together
- Preserves “freedom to fork”
 - Project can go on if original developers go away
 - Helps protect users’ investment in the software, increases its expected future value to them

Simple Guide to License Selection

- Is code extending or combining with existing code?
 - If yes, pick license compatible with existing license
- Do you want to explicitly enforce code sharing?
 - If not, pick MIT or similar license
- Do you want to allow use with proprietary code?
 - If yes, look at MPL or LGPL (for libraries)
 - If not, consider GPL
- License compatibility
 - MIT can be combined with any other license
 - GPL is incompatible with MPL, SCSL, proprietary

Questions?

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