

FOSS Licenses

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by

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What is FOSS ?

- Free/Libre Open Source Software – FLOSS
- **Free Software** refers to computer programs that come with:
 - Freedom to **run** the program for any purpose
 - Freedom to **study and modify** the source code
 - Freedom to **redistribute copies**, gratis or for a fee
 - Freedom to **distribute modified versions**
- Free Software and Open Source connections:
 - “**Free Software**” highlights freedom and community sharing, human rights for software users whereas “**Open Source**” addresses the concerns of “businesses” highlighting practical utility avoiding references to “freedom”
 - “**Open Source**” is a marketing program for “**Free Software**”
 - **FOSS** is seen as neutral between the two

FOSS: Free and Open Standards and Software

- Open Standards are unambiguous, machine-independent and vendor neutral language or process specifications and definitions laid by public organizations with universal acclaim
 - American National Standard for Information Systems (ANSI)
Standards for Programming Language C, SQL, etc
 - W3C standards for HTML, CSS, DOM, XML, etc
 - IEEE standards for POSIX; NCSA standard for HTTP/1.1; etc
- The division between the standard and its implementation:
 - Promotes vendor neutral computer programs
 - Provides a competitive environment
 - Free and open access to all without discrimination
 - Software implementation needs to lay specs only when

What is a License?

- **Computer programs** are to be protected as **literary works** under the TRIPs Treaty
- Indian Copyright Act, 1957 governs copyright of computer programs
- “**Computer** includes any **electronic or similar device having information processing capabilities**” (Sec. 2(ffb))
- “**Computer programme** means a **set of instructions** expressed in words, codes, schemes or **in any other form**, including a machine readable medium, **capable of causing a computer to perform a particular task or achieve a particular result**” (Sec. 2(ffc))
- Copyright **subsists** in **original literary and artistic works** (Sec. 13)
- The **owner** of the copyright in any work **may grant any interest** in the right by **license** (Sec. 30)

First owner of copyright

- The author of a work shall be the first owner of the copyright therein, provided (Sec. 17):
 - in the case of works by employees or submissions to newspapers, its proprietor is the first owner
 - in the case of a work made in the course of the author's employment under a contract of service or apprenticeship, the employer shall be the first owner of the copyright
 - in case of any address or speech delivered in public, the person who has delivered such address or speech shall be the first owner
 - in the case of a Government work, the Government shall be the first owner of the copyright

Copyright assignment, fair use, infringement, term ...

- Assignment: The owner of the copyright may assign it to any person wholly or partially, in writing (Section 18)
- **Copyright shall subsist in any work published** within the lifetime of the author until **60 years** from the beginning of the calendar year next **following the year in which the author dies.** (Section 22)
- Infringement of copyright (see Section 51) is
 - a punishable offence under Section 63
 - civil remedies by way of injunction, damages, accounts etc. u/s 55
- Fair use rights under Section 52
- Compulsory license is possible in respect of works withheld from public.

Kinds of FOSS Licenses

- Public Domain
- FOSS Licenses
 - GNU GPL, LGPL, FDL
 - BSD and like licenses
 - Open Publication License
 - Creative Commons Licenses
 - MIT or X11 License
 - Custom licenses

Public Domain

- Copyrighted **works enter the public domain** upon **expiry of the statutory copyright term**
- **Authors may place their works in the public domain with immediate effect:**
 - By **relinquishing copyright** (under Section 21), or,
 - By a simple **license placing your work** in the **public domain:**
“**This work is placed in the public domain**”
- **No copyright protection** for **public domain works**
- **If all works are in the public domain, licenses would die**

Panchatantra

The story of the birth of the story book

King:

“Holy sir, as a favour to me you must **make** these princes **incomparable masters** of the **art of practical life**. In return, I will bestow upon you a hundred land-grants.”

Vishnusharman:

“O King, listen. Here is the plain **truth**. **I am not the man to sell good learning**, for a hundred land-grants. But if I do not, in six months' time, make the boys acquainted with the art of intelligent living, I will give up my own name.

Let us cut the matter short. Listen to my lion-roar. My boasting arises from **no greed for cash**. Besides, I have **no use for money**; I am eighty years old, and all the objects of sensual desire have lost their charm. But in order that your request may be granted, I will **show a sporting spirit in reference to artistic matters**. ”

Panchatantra

“*Disclaimer*”

Vishnusharman took the boys, went home, and made them **learn** by **heart** **five books** which he composed and called the “Panchatantra”.

These the princes learned, and in six months' time they answered the prescription.

*Whoever learns the work by heart,
Or through the story-teller's art
Becomes acquainted, ...
Is never tainted*

Public Domain example:

<http://fourmilab.ch>

- **John Walker**, founder of AutoCAD, has placed a number of Unix utilities and other programs in the **public domain** at his **web site**
- The site includes **other** public domain works for **reference**, including
 - The **Life** of **Charles Babbage**
 - **Science fiction** works by **Jules Verne** etc.
 - The **Art of Making Money**
 - **Universal Declaration** of **Human Rights** etc.



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Summary of Terms and Conditions

0: Scope of Application

- Applies to **Programs** released under the GPL
- Activities other than copying, distribution and modification are not covered by the GPL. Others=Assignment, Service etc.
- Running the program is not restricted
- Output from the Program is covered only if its contents constitute a work based on the Program (independent of having been made by running the Program)
 - New text files written using Emacs - Copyright of output with author
 - Emacs/gcc modified using itself-Output covered by GPL

1. Copying and Distribution

- Copying and distribution of verbatim copies of the Program's source code is permitted
- Copies are also covered by the GPL
- You may charge a fee for the physical act of transferring a copy or offer warranty protection in exchange for a fee

2. Copying and Distributing Modifications – Copyleft Clause

- Modifications also to be released under GPL
- Give information about the modifications made
 - date, state changes, display to user while program runs
- Makes a program free software and further keeps modifications also remain only as free software
 - Non-free software licenses take away users' freedom with copyright
 - Free software guarantees the users' freedom with copyleft
- FreeBSD license : No Copyleft clause included

3. Copying and Distributing Object Code in Executable Form

- Should do one of the following:
 - Accompany it with the complete source code
 - Give a written offer valid for 3 years to give anyone source code at the cost of physically performing source distribution
 - Give information about written offers received if it is a non-commercial distribution
- Source Code: Preferred form of the work for making modification to it.

4-10: Other conditions and abuse checks

- 4. No copying, modification, or distribution except as provided
- 5. You are not required to accept the GPL since you have not signed it -
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- To encourage GNU C Library to become a defacto standard.
- Non-free software works may link to and use LGPL code
- LGPL does Less to protect user's freedom than the GNU GPL

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Comparison of FOSS Licenses

License

Hackers like accepting code under it

Combine with proprietary and redistribute

Combine with GPL'ed code and redistribute

Must share source of redistributed version

Must include patent license with contrib

Can not use its name freely

v

v

v

v

v

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v

Public Domain

Y

Y

Y

N

N

Y

BSD like

Y

Y

Y

N

N

N

GNU LGPL

Y

Y

Y

Y

Y

Y

GNU GPL

Y

N

Y

Y

Y

Y

Mozilla PL

Y

Y

N

Y

Y

N

Just how important is the license?

- Fundamental to using or contributing code.
- The basic philosophy behind each license is different.
- GPL does not allow proprietary caging of free software.
- OpenBSD feels that the GPL is not friendly to commercial (proprietary) distribution and does not use GPLed Software: Software bound by the GPL terms can not be included in the kernel or "runtime" of OpenBSD, though software subject to GPL terms may be included as development tools or as part of the system that are "optional" as long as such use does not result in OpenBSD as a whole becoming subject to the GPL terms.
- If all works move to the public domain, these issues would be resolved. Basically, that would mean freedom from copyrights

Business with FOSS

- **Package** and **distribute** FOSS
 - FSF, Debian, SUSE, RedHat, Google & Dell;
- **Assignment of Copyright** for **consideration** to FOSS entities
- **Employment, consulation, turnkey projects, etc** in the FOSS sector
- **Contracts of Service** for **warranty and support** of FOSS systems
- **Education** – **main stream** and **short term** courses
- **Government contracts** to **undertake** FOSS projects
- **Co-operative societies, software tax, glugs, and other structures** and **organisations** to **maintain & distribute** free software and **support developers**
- **Certification, Trade marks, etc** for a given FOSS service or distribution
- Visit **Linux Commercial HOWTO** at <http://www.linuxports.com/>

FOSS Marks

- **Mark** is a **sign** or **symbol** to **identify** something. They give **invaluable visual clues** that help **customers and users of software to identify** and **classify software**. They include brands, headings, labels, names, words, letters etc.
- **Trade Marks** are **proprietary marks** “capable of being **represented graphically** and which is **capable** of **distinguishing** the **goods** or **services** of one person from those of **others**, and **may include** shape of goods, their **packaging and combination of colours**;”
- A TRADE MARK may be used to identify and tag all proprietary parts of your FOSS business, like advertisements, physical media like dvd or cd, book covers, and other packaging graphics.
- **Free software** needs to be referred to **freely by its name** – create your identity around FOSS without attempting to taint software.
- Embedding trade marks on free software object code, source code or names would only give the trademark **generic character** serving no useful purpose.

Labels using Generic Names

- De-branded drug label

Eucalyptus Oil

100 ml

Distributor:
Nilagiri Foo_rm,
Ootacamund.

- Unbranded software package label

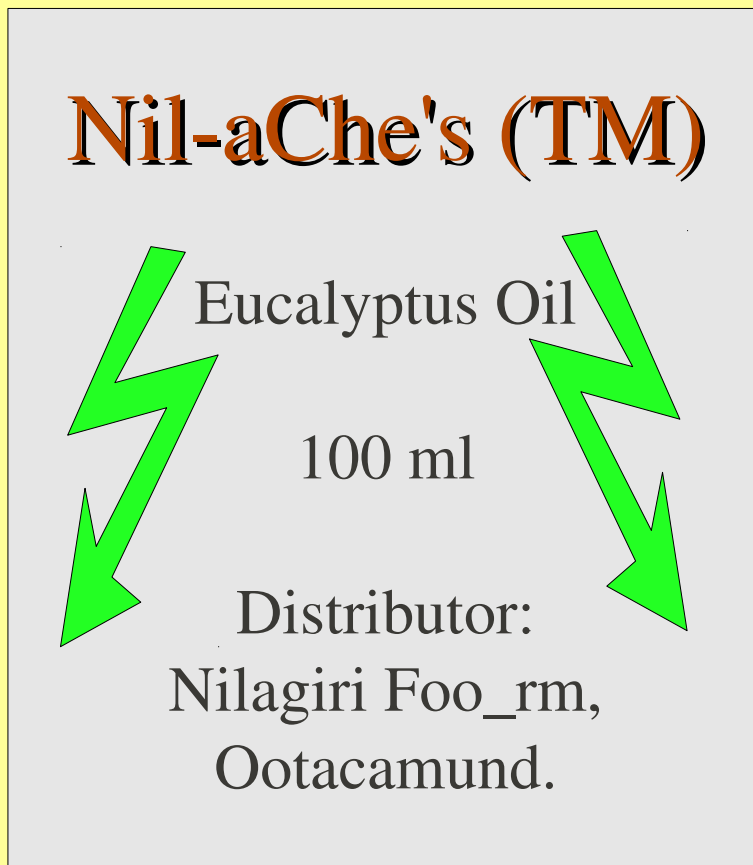
linux 2.6.8.1
emacs 21.3.1

CD

Distributor:
Mr. Foo Hacker,
Cyber Village.

Labels using TRADE MARK names

- Branded drug label



- Branded software package label -
- The braces may be significant like the name



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