

# Knobbe Martens

## Knobbe Practice Webinar Series: Strategic Considerations for Open-Source Software Part I

June 13, 2022

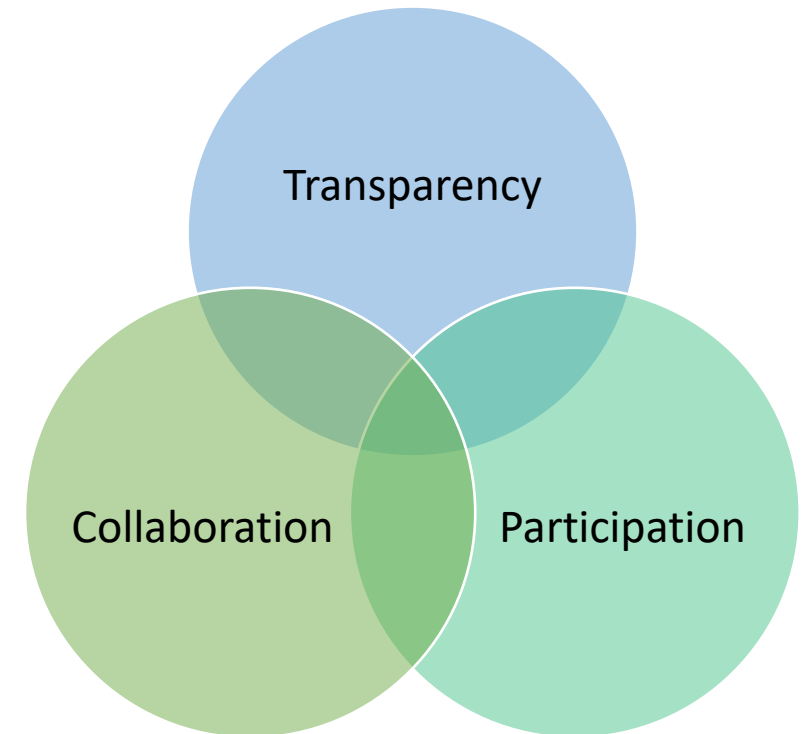
Mauricio A. Uribe

# Principles of Open-Source

# Principles of Open-Source

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- Transparency
  - Description of software and progress
  - Compliance with terms of license agreements
- Participation
  - Code submission
  - Licensing/compensation
- Collaboration
  - Helping others in the community



# Examples of Open-Source Software

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- Operating Environments
  - Linux operating system
  - Android by Google
- Applications
  - Open office (productivity)
  - Firefox browser (browser)
  - VLC media player (media)
  - ClamWin (antivirus)
- System
  - Moodle (online learning system)
  - WordPress (content management system)
- Data
  - World Bank Open Data
  - World Health Organization
  - US Census Bureau

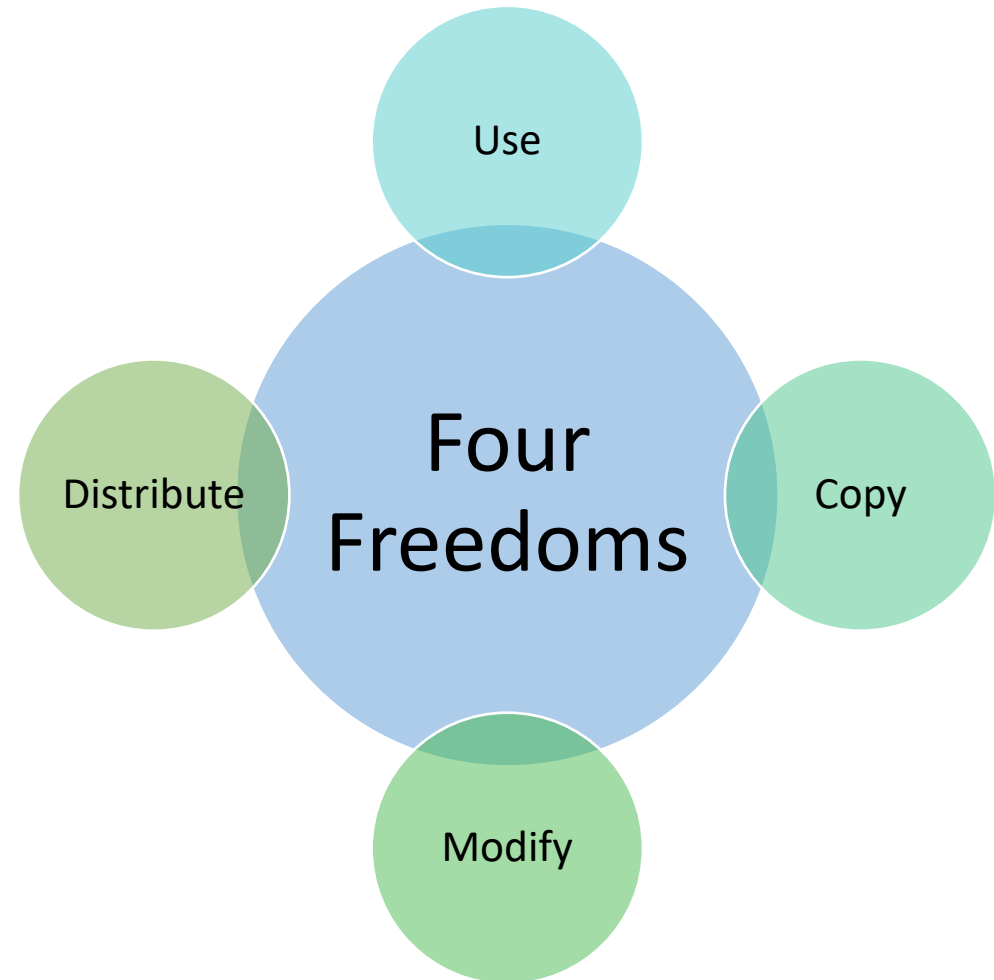


# Open-Source Licensing Models

## Licensing Model Rights and Restrictions – Four Freedoms

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- Freedom to Use
- Freedom to Copy
- Freedom to Modify
- Freedom to Distribute



# Open-Source Licensing Models

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- Copyleft Licensing Models
  - Copyleft licenses allow for changes to software with obligation to distribute your modified copy.
  - “Pay it forward” and release code as open source under the same license terms.
  - Exemplary License Terms: GNU General Public License, or GPL.
- Permissive Licensing Models
  - Permissive licenses allow for changes to software with no requirement to distribute modified copy
  - Exemplary License Terms: Apache License 2.0 and the MIT License.

# Open-Source Management and Issues



# Open-Source Management and Issues

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- Open-Source Software Selection
  - Functionality and performance
  - Licensing terms (rights and obligations)
- Open-Source Maintenance and Upgrades
  - License tracking and identification
  - Versioning and upgrades
- Third-party Open-Source Utilization
  - Disclosure and identification
  - Audit

# Open-Source Management and Issues

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- Open-Source Distribution
  - New code distribution
  - Compliance-based distribution
- Patents
  - Infringement
  - Indemnification

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## Knobbe Practice Webinar Series: Strategic Considerations for Open-Source Software Part II

June 16, 2022

Mauricio A. Uribe

# Open-Source Software Licenses

# Open-Source Licensing Models

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- Copyleft Licensing Models
  - Copyleft licenses allow for changes to software with obligation to distribute your modified copy.
  - “Pay it forward” and release code as open source under the same license terms.
  - Exemplary License Terms: GNU General Public License, or GPL.
- Permissive Licensing Models
  - Permissive licenses allow for changes to software with no requirement to distribute modified copy
  - Exemplary License Terms: Apache License 2.0 and the MIT License.

# GNU General Public License – Copyleft Licenses

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- GNU GPL version 3
  - Free software license
  - Strong copyleft license
  - Compatibility to combine with software licensed under other “compatible” licenses
  - Express patent rights to contribution code – no proprietary implementation

## GNU Lesser GPL (LGPL), version

- Free Software license
- “Weak” copyleft - permits linking with non-free modules (e.g., proprietary code)
- Often used with open-source libraries

## GNU Affero GPL

- Based on GNU GPL, version 3
- Strong copyleft license
- Focus on applications running on network – must provide source code

# Other Licenses – Permissive Licenses

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- Apache, version 2.0
  - Permissive license
  - Compatible with commercial implementations
  - Express patent grant from contributors
  - Retains license scope to proprietary implementations
- MIT License
  - Permissive license
  - Combination/integration with proprietary software
  - Propagation of MIT license with source code
- Berkeley Software Distribution License
  - Permissive license
  - Three clauses
    - Retain copyright notice in source code
    - Reproduce copyright notice in distribution version
    - No endorsement/promotion
- Creative Commons Attribution Licenses
  - Permissive license
  - Typically used for media and entertainment



# Free Open-Source License

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- Affero General Public License
- Academic Free License
- Apple Public Source License
- BitTorrent Open-Source License
- Original BSD license
- CeCILL
- Common Development and Distribution License
- Condor Public License
- Eclipse Public License
- European Union Public License
- Fraunhofer FDK AAC license
- Gnuplot License
- IBM Public License
- Jabber Open Source License
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- Nokia Open-Source License
- Old OpenLDAP License
- Open Software License
- OpenSSL license
- Phorum License
- PHP License
- License of Python
- Q Public License
- RealNetworks Public Source License
- Sun Industry Standards Source License
- Sun Public License
- License of xinetd
- Yahoo! Public License 1.1
- Zend License
- Zimbra Public License
- Zope Public License version 1 (#Zope)

# Proprietary Open-Source Licenses

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- Aladdin Free Public License
- Anti-996 License
- Anti-Capitalist Software License
- Apple Public Source License
- Artistic License 1.0
- AT&T Public License
- Code Project Open License
- Commons Clause
- CNRI Digital Object Repository License Agreement
- eCos Public License
- The Hippocratic License 1.1
- GPL for Computer Programs of the Public Administration
- Hacktivismo Enhanced-Source Software License Agreement
- Jahia Community Source License
- The JSON License
- Old license of ksh93
- License of Lha
- Microsoft's Shared Source CLI, C#, and Jscript License
- NASA Open-Source Agreement
- Oculus Rift SDK License
- Open Public License
- Peer-Production License
- Personal Public License
- License of PINE
- Old Plan 9 license
- Reciprocal Public License
- Scilab license
- Scratch 1.4 license
- Simple Machines License Old Squeak license
- Sun Community Source License
- Sun Solaris Source Code (Foundation Release) License
- Sybase Open Watcom Public License
- SystemC “Open Source” License
- Truecrypt license 3.0
- University of Utah Research Foundation Public License
- YaST License

# Types of License by Software Code

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- Software/Applications
  - Permissive v. Copyleft
- Network Applications/Code
  - Accessibility may be limited to network communication
  - Is modification a requirement
- “Small Code”
  - Permissive license to simplify distribution
  - Possible dedication to public
- Libraries
  - Permissive license to promote adoption
  - Line up business goal of library with open-source model
- Documentation
  - Use
  - Creation of derivative works/integration with other documentation
  - Publication/distribution
- Other Data
  - Use
  - Creation of derivative works/integration with other documentation
  - Publication/distribution

# Policies and Management

# Open-Source Policy

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- Open Source License Approval
  - Define the open source licenses that are acceptable for use
- Open Source Libraries
  - All open source libraries must be approved before use, or
  - Guidelines on which libraries can be used without approval or with a simple tap on the shoulder to legal and compliance.
- Open Source Contribution
  - Can developers contribute back to the open source projects? If so, how?
  - What level of support is acceptable for use (as in, how often the software is updated)?
- Policy Review and Update
  - Frequency of review
  - Level of investigation

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