Choosing an OSS License?

General guidelines

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Slides inspired by Nadine Paolucci previous work and AspireRFID consortium work.

http://www.ow2.org/view/Activities/EuropeLocalChapterHomePage

November 2008
Your project requires a set of OSS components which will be researched in existing OSS communities or developed by the “Consortium”

- legal aspects of OSS and Licensing issues require special attention

Identification of various OSS licenses currently used in your project

- Licenses IN? Combinations?
- Licensing OUT?
Where are you today?

Identify your licences & reuse needs

Inputs needed from all partners:
- Pre-existing rights,
- Future developments,
- Combination of the code,
- Partner’s internal rules,
- Etc.

IPR Policy Choice

License OUT

INRIA Licenses Recommendation, Consortium Licenses Recommendation?
When elements from two or more programs are merged and when the two programs are under different licenses, the following question arises…

Is it possible to take this code, under different licenses, and combine them in one work without violating the terms of either the two licenses?
The choice of the licence must be

- Done in respect of pre-existing rights (from IP, Consortium, other contractual relationship ...)
- Coordinated with the future development possibilities

Licensing refers to **Software** and **Documentation**
**Recommendation related to licence decision (1/3)**

**What is needed at first?**
- List of components (used as background), IPR (patent, trademark …), licenses attached if any, documents.

**Who can decide?**
- Determine who holds the ownership of the rights on the contributions.
Depend on the various goals of the project results, e.g.
- the intended purpose of the product,
- the intended business model,
- future development possibilities,
- combination of the code with other valuable modules licensed under incompatible or proprietary licenses,
- restriction or interest in the commercialisation of extended version.
Recommendation
related to licence decision (3/3)

Identification of potential legal constraints...

- Each partner’s internal rules (e.g. specific authorization for distribution under OSS licence), EC rules (consortium agreement dispositions), Risk and liabilities (e.g. patent infringement)

- INRIA IPR Policy? Consortium IPR Policy?

- Formalized dependencies (other contractual relationship) that may generate legal risk for partner and users
Recommendation related to licence for Documentation (1/2)

Define a licence for each kind of document

 Caucus What kind of works might be subject matter of the deliverables
 • Description of the project, activity, specifications …

 Caucus What should be the destination (the use) for each deliverable ?

 Caucus When works falls within the CC licence
 • Associate a CC licence to each type of deliverable in respect of what has been define above
Special care

- The Consortium agreement and the EC rules may give instructions binding all partners about licence documentation
- Some works might be subjected to other uses (out of the initial scope/project)

Suggestion?

- Licence CC Attribution Share-Alike
- [http://creativecommons.org/license/](http://creativecommons.org/license/) to choose your licence terms more precisely.
Share Alike

Document licence terms extract

« This work is licensed under the Creative Commons Attribution-Share Alike 3.0 License. »

You are free:

- to share: to copy, distribute and transmit the work
- to remix: to adapt the work

Under the following conditions:

- Attribution: You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).
- Share Alike: If you alter, transform, or build upon this work, you may distribute the resulting work only under the same, similar or a compatible license.
Form to gather licences in your project

<table>
<thead>
<tr>
<th>Software Code Reuse for GALAXY developments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Questions</strong></td>
</tr>
<tr>
<td>1. Identify and list the internal component you may use, which type of license used?</td>
</tr>
<tr>
<td>2. Identify and list the 3rd parties component you may use, which type of license used?</td>
</tr>
<tr>
<td>3. Identify and list any commercial component you may use, which type of license used?</td>
</tr>
<tr>
<td>4. Identify your internal partner and consortiums rules</td>
</tr>
<tr>
<td><strong>Guidelines</strong></td>
</tr>
<tr>
<td>• Think of any potential combination of the code with other valuable modules licensed under incompatible or proprietary licenses.</td>
</tr>
<tr>
<td>• Think of your partner’s internal rules and consortiums agreement dispositions (e.g. GALAXY, INRIA).</td>
</tr>
<tr>
<td><strong>Answers</strong></td>
</tr>
</tbody>
</table>
### Future development (beyond the life time project)

**Questions**

1. Identify your future development directions (e.g. closed source/open source)
2. Identify if any future code combination
3. Identify your internal partner and GALAXY (& INRIA?) consortium rules

**Guidelines**

- Think of any potential restriction or interest in the commercialization of extended version.
- Think of your partner’s internal rules (e.g. specific authorization for distribution under OSS license), EC rules (consortium agreement dispositions), Risk and liabilities (e.g. patent infringement).
- Think of any formalized dependencies (other contractual relationship) that may generate legal risk for your company/organization and users.

**Answers**
**Future dissemination policy**

**Questions**

1. Identify your future project directions beyond the GALAXY project lifetime

**Guidelines**

- Think of any potential restriction or interest in the commercialization of extended version and academic usage.

**Answers**
## Future patent policy

### Questions

1. Identify your future patent needs

### Guidelines

- Think of any potential restriction or interest in the commercialization of extended version.

### Answers
# Documentation licence policy

<table>
<thead>
<tr>
<th>Questions about sharing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>What level of dissemination?</strong></td>
</tr>
<tr>
<td>2. <strong>Who can distribute the document?</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Questions about modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. <strong>Do you authorise reuse and/or modifications?</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Questions about inheritance patent</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. <strong>To whom belong the document originally: patent, inheritance?</strong></td>
</tr>
</tbody>
</table>

## Guidelines

- What kind of works might be subject matter of the deliverables (description of the project, activity, specifications...)?
- What should be the destination (the use) for each deliverable?

## Document Answer Matrix

<table>
<thead>
<tr>
<th>Creative Commons</th>
<th>Description</th>
<th>Your needs (yes/no)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Attribution</strong></td>
<td>Permit others to copy, distribute, display and perform the work and make derivative works based upon it only if they give the author or licensor the credits in the manner specified by this.</td>
<td></td>
</tr>
<tr>
<td><strong>NonCommercial or NonCommercial</strong></td>
<td>Permit others to copy, distribute, display, and perform the work and make derivative works based upon it only for non-commercial purposes.</td>
<td></td>
</tr>
<tr>
<td><strong>No Derivative Works or NoDerive</strong></td>
<td>Permit others to copy, distribute, display and perform only verbatim copies of the work, not derivative works based upon it.</td>
<td></td>
</tr>
<tr>
<td><strong>ShareAlike</strong></td>
<td>Permit others to distribute derivative works only under a license identical to the license that governs your work.</td>
<td></td>
</tr>
</tbody>
</table>
List all your modules and determine which program is uses which other program in the new project

<table>
<thead>
<tr>
<th>A uses B?</th>
<th>B1</th>
<th>B2</th>
<th>B3</th>
<th>...</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>A2</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A3</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A4</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>...</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

You should also list all authors and copyright owners
For each Module A1 that uses B1

<table>
<thead>
<tr>
<th>i.e. Accada application is licensed under GPL v2</th>
</tr>
</thead>
<tbody>
<tr>
<td>i.e. Aspire RFID application is licensed under LGPL v2.1 and uses Accada library</td>
</tr>
<tr>
<td>B1 is licensed under &lt;license name&gt;</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A1 is licensed under &lt;license name&gt;</th>
<th>Answer?</th>
<th>Comments?</th>
</tr>
</thead>
<tbody>
<tr>
<td>source code included without modifications?</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>source code modified then included/reinjected?</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>link with 3rd party library?</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>independant binaries that communicate?</td>
<td>YES</td>
<td></td>
</tr>
</tbody>
</table>

For each license it is often advised to list respective license obligations
Once you have collected the data, you could:

- Use an automatic OSS License gathering tool
  - HP Fossology or,
  - Open Source License Checker
- Make a comparison between what you collected and what the tool produces
- Take actions accordingly
Short list of license typology

Thierry Aymé, French ministry

<table>
<thead>
<tr>
<th>Licence Logiciel</th>
<th>Sans copyleft</th>
<th>Copyleft faible</th>
<th>Copyleft fort</th>
</tr>
</thead>
<tbody>
<tr>
<td>original</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>évoluté</td>
<td>AB</td>
<td>AB</td>
<td>AB</td>
</tr>
</tbody>
</table>

Sans Copyleft
APACHE, BSD, MIT, CeCILL-B

Copyleft faible
MPL, LGPL, CeCILL-C

Copyleft fort
GPL, EUPL, CeCILL
Short list of conflicts

 Thierry Aymé, French ministry
Thanks for your attention

Contacts stephane.ribas@inria.fr