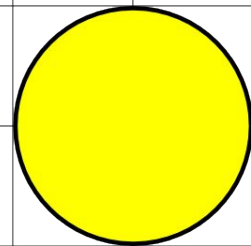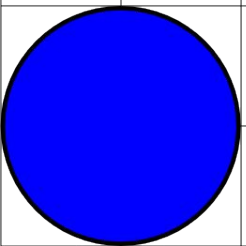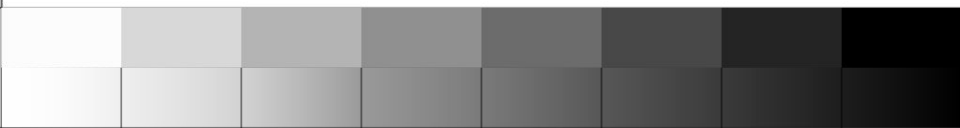# STAND BY

4:3

What You Need To Know About
Free & Open Source Software Licensing

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Goals

Learn the basics of intellectual property law (in particular copyright)

Understand how licenses are built on top of those principles

Enable you to work effectively with Free/Open Source software

Overview

- What is intellectual property?

- Why do we need licenses?

- Permissive licenses

- Copyleft licenses

- Public domain

- Custom licenses

- Licensing contributions

Caveat

I AM NOT A LAWYER

What is Intellectual Property?

Intangible "creations of the mind" that the law lets you monopolize.

The categories we'll look at today:

- Copyrights

- Patents

- Trademarks

Copyright ©

- Protects creative, expressive works

- Meant to encourage people to make more

- Given *automatically* to the creator

- Limited-time offer!

Moral Rights

- Non-commercial rights related to copyright
- Right to attribution, integrity of the work
- Vary a lot from country to country
- Might not be automatic
- Might last forever
- Might not be possible to waive or transfer

Patents

- For protecting functional inventions

- The deal: tell us how it works, and you get exclusivity... for a while

- Beware of sneaky trolls and ambushes!

- Some licenses protect you

Trademarks™

- For protection from fakes and imitators
- Sort of automatic, but registration® has power
- Covers names, logos and identifiers like that
- Still relevant to software projects

Licenses

Grant rights people wouldn't usually have:
- To use
- To modify
- To share

Create obligations:
- Attribution
- Share-alike (copyleft)
- Whatever shows up in a proprietary license

Permissive Licenses

- Let developers do a lot
  ...including making things proprietary

- Usually just require attribution
  ...and a warranty disclaimer

MIT/Expat/X11, ISC/n-clause BSD
...and Apache 2.0

3. Grant of Patent License. Subject to the terms and conditions of this License, each Contributor hereby grants to You a perpetual, worldwide, non-exclusive, no-charge, royalty-free, irrevocable (except as stated in this section) patent license to make, have made, use, offer to sell, sell, import, and otherwise transfer the Work, where such license applies only to those patent claims licensable by such Contributor that are necessarily infringed by their Contribution(s) alone or by combination of their Contribution(s) with the Work to which such Contribution(s) was submitted. If You institute patent litigation against any entity (including a cross-claim or counterclaim in a lawsuit) alleging that the Work or a Contribution incorporated within the Work constitutes direct or contributory patent infringement, then any patent licenses granted to You under this License for that Work shall terminate as of the date such litigation is filed.

...each Contributor grants You a perpetual, no-charge, irrevocable patent license to use the Work

...applies only to those patent claims that are infringed by their Contribution

...if You institute patent litigation alleging that the Work constitutes patent infringement, then patent licenses granted to You shall terminate

↻ Copyleft Licenses

- Guarantee user freedom

- Prevent developers from restricting or locking-in users

- Require sharing derivatives the same way

- Prevent building proprietary software

GPL

LGPL

AGPL

I don't care; do whatever!
(a.k.a. "What about the Public Domain?)

- Please do pick a license

- Visible source ≠ Free/Open Source

- Public Domain

    …remember "moral rights"?

Custom Licenses

please don't

Non-Software Licenses

Remember, the point of the license is to further your goals — and not-code is different from code!

- GNU Free Documentation License (GFDL)

- Creative Commons (BY, NC, ND, SA)

Licensing Contributions

- Copyright assignment
  (don't, except for good reason)

- Contributor license agreement (CLA)
  (depends entirely on what it says)

- Developer's Certificate of Origin (DCO)
  (really good! minimal hassle!)

Conclusions

Pick a license

...that is already established and in wide use

...that makes sense within your community

...that is appropriate to the nature of the work

...and that furthers your goals for the software

But above all: pick a license.

That's all, folkssssss!

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