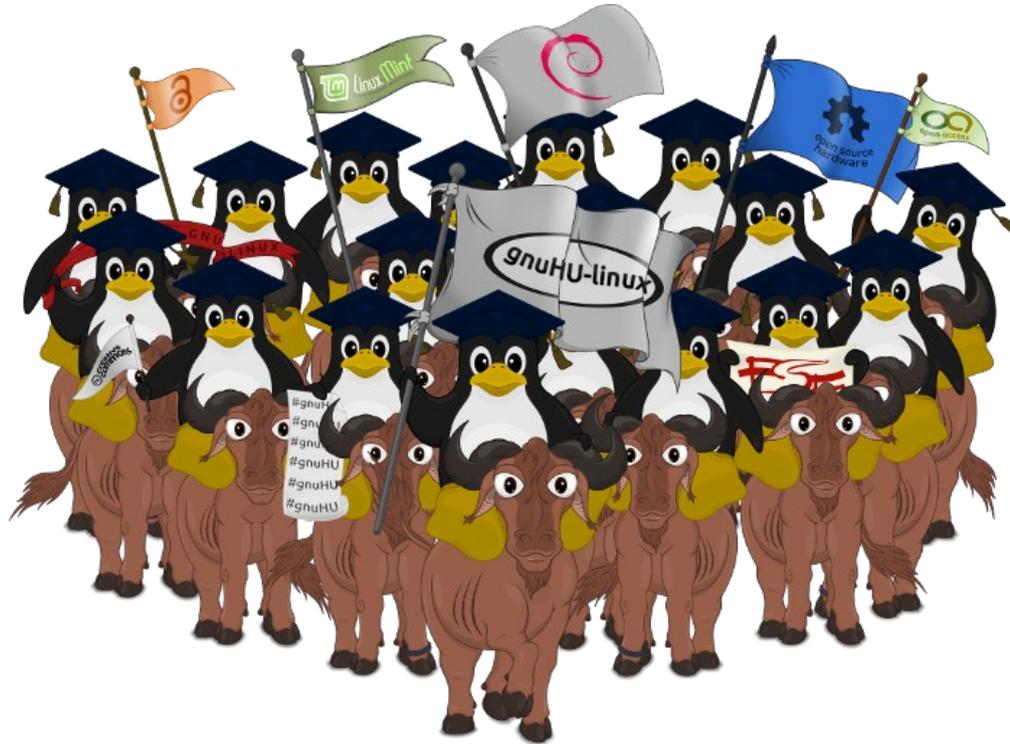


FLOSS-Werkstatt: Introduction to Software Law & FLOSS Licenses



A project by the student initiative #gnuHU

Introduction of the “FLOSS-Werkstatt”

- the “FLOSS-Werkstatt” or “FLOSS Workshop” is a project by #gnuHU, an initiative which promotes technically sustainable and freedom-preserving digital educational spaces at Humboldt University Berlin
- Funded by the Media Commission (Academic Senate)
- Workshops and Open Educational Resources
- Opportunities of exchange
 - <https://hu.berlin/floss-werkstatt>

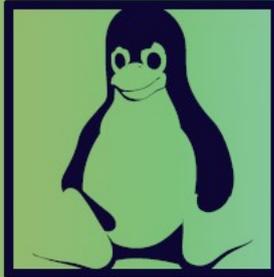
Opportunities of exchange

- Mailinglist
 - Discussion: gnu-hu-public-talk@lists.hu-berlin.de
 - Newsletter: gnu-hu-news@lists.hu-berlin.de
- Matrix-Room: #gnuHU:hu-berlin.de
- Social Media: Mastodon, Diaspora, ...
- More info: <https://hu.berlin/gnuHU-kontakt>

FLOSS Certificate

FLOSS-Werkstatt - Stempelkarte*

Name: _____



* Bei drei Stempeln erhältst du das "FLOSS-Zertifikat", mit dem du deine Kenntnisse über und im Umgang mit freier Software nachweisen kannst.

Upcoming FLOSS-Workshops

- Collaborative Document Creation and Editing (24.01.2022)
- Podcast Creation (t.b.a.)
- More info: <https://hu.berlin/floss-workshops>

Introduction to Software Law and Free and Open Source Licenses

10.01.2022 | FLOSS Werkstatt | #gnuHU

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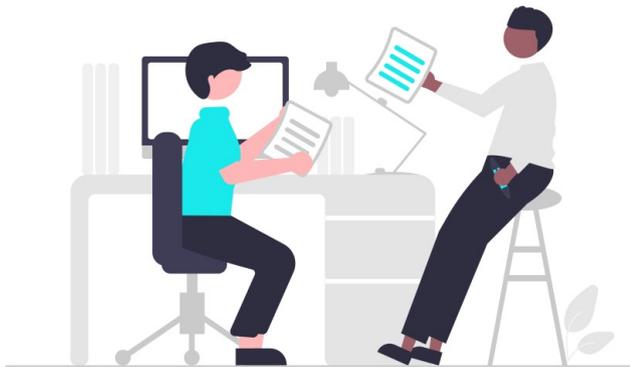


Agenda

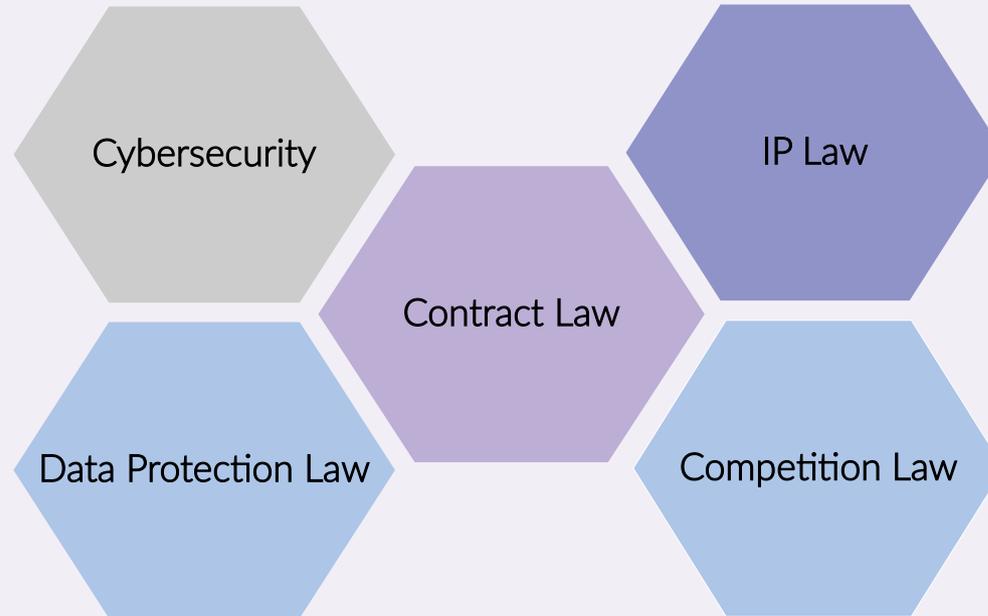
Overview on Software Law

Fundamentals of Software
Licensing

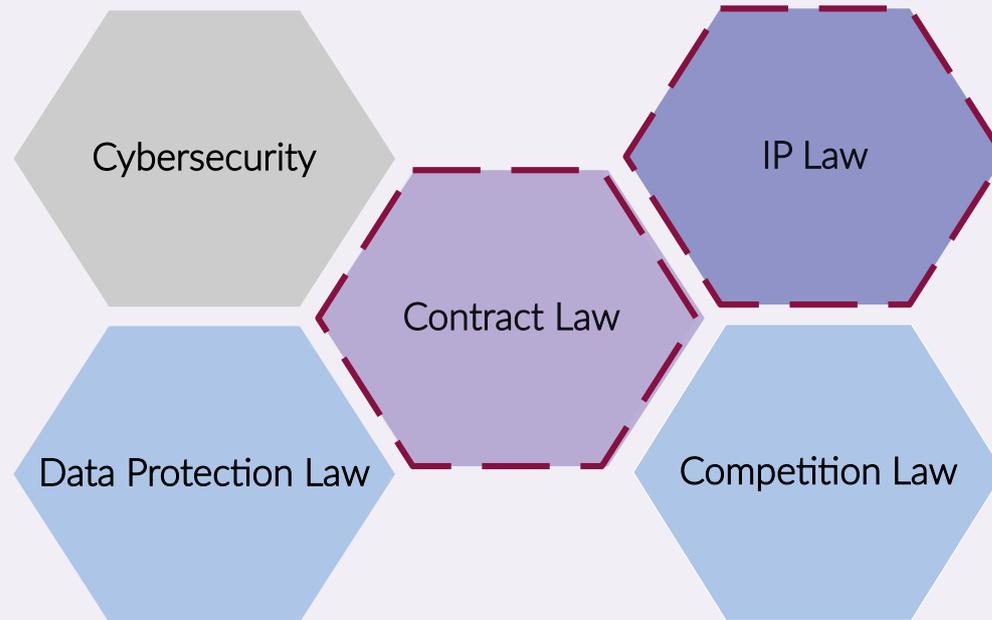
FOSS Licensing Framework



Elements of Software Law



Elements of Software Law



The reality

↳ You Retweeted



Kat Walsh

@mindspillage



"no license means public domain"



status annoyicus @medburnbook · May 22

give me a horror story from your specialty in five words or less

Copyright applies by default



Software is a set of instructions executed by a computer



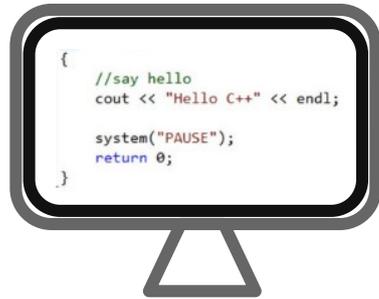
Art. 1 Directive
2009/24/EC
(Software directive)

Member States shall protect computer programs, by copyright, as literary works

Protection shall apply to the expression in any form of a computer program.

Ideas and principles which underlie any element of a computer program [...] are not protected.

Source code vs executable code



Source code

Human-readable programming language

Working environment for software development

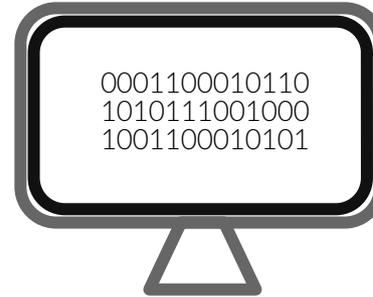
Contains comments of the developer

Proprietary vendors withhold source code

Compiler



A compiler translates the source code into binaries



Executable code

Also called binaries or object code. E.g. ".exe", ".tzz" files

Computer executes binaries faster

Not suitable for human reading or processing

Usually the only form available to end-users

Why licensing software?



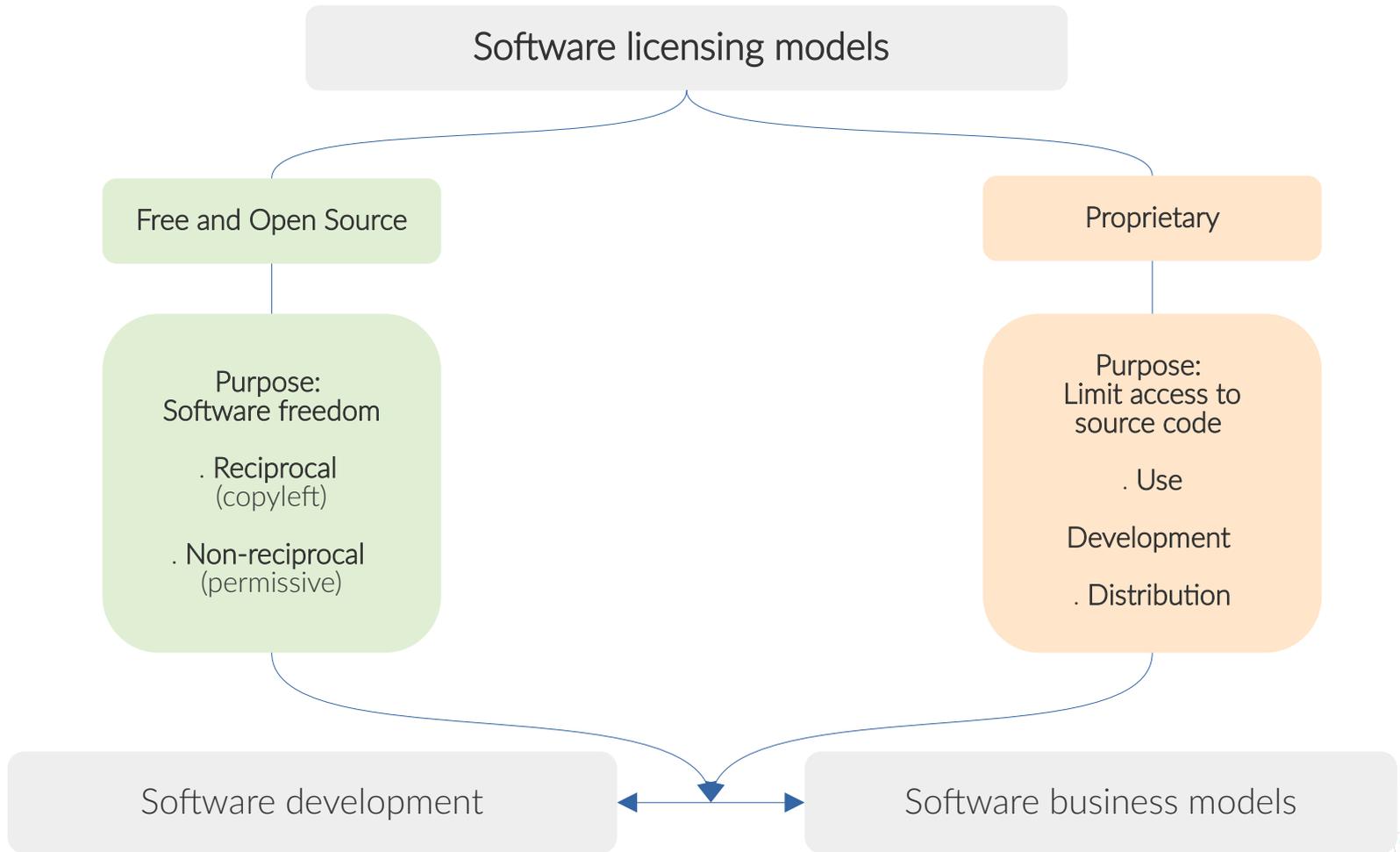
Exhaustion of rights
(aka First Sale doctrine)

No control over:

- . Reselling
- . Copying
- . Distribution
- . Geographical use
- . Equipment use
- . Reverse engineering (decompilation)
- . Derivatives works

Full spectrum of rights management

Public Domain	Permissive Licenses (non-reciprocal)	Copyright Licenses (reciprocal)	Proprietary Licenses	Trade Secret
All rights waived	<<< More rights granted to user	>>> More rights retained for owner	>>> More rights retained for owner	All rights retained



Content & Data Licensing



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No additional restrictions — You may not apply legal terms or [technological measures](#) that legally restrict others from doing anything the license permits.

Audio/video/images

Documentation

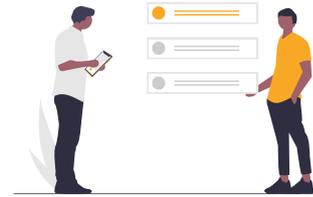
Data and metadata



Social element of Licenses

License
as “constitution” of
software communities

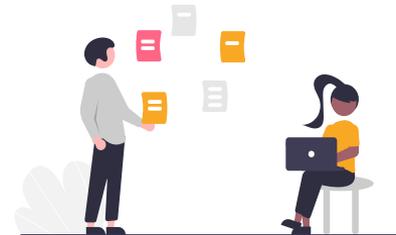
Sets the terms of use
and distribution of the
software



Constitutes the bases for
working environment
among developers and
users



Establishes the ground for
software maintenance
and further development



Free and Open Source Definition

Free Software

Open Source

Definition by the
Free Software Foundation



Definition by the
Open Source Initiative

- . Freedom 0
Run the software for any purpose
- . Freedom 1
Study the source code
- . Freedom 2
Redistribution of copies
- . Freedom 3
Improvement of the software and
redistribution of derivative works

1. Free Redistribution
2. Source Code
3. Derived Works
4. Integrity of The Author's Source Code
5. No Discrimination Against Persons or Groups
6. No Discrimination Against Fields of Endeavor
7. Distribution of License
8. License Must Not Be Specific to a Product
9. License Must Not Restrict Other Software
10. License Must Be Technology-Neutral

Free Software Licenses Types

Reciprocal (copyleft)

Main principles

- . If you distribute, you must use the same license terms
- . If you distribute, you must provide source code



Non-reciprocal (permissive)

Main principle

- . If you distribute, you must provide license notice



BSD



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Copyright grants

Notice obligation

Copyleft (Reciprocal Licenses)

Cases

- . If you **distribute** in **binary form**
- . If you **distribute** in **source code form**
- . Inbound = Outbound

Obligations

- . You **must** make the corresponding **source code** available
- . Your job is **done!** :)
- . You **must** relicense the software you received on the **same copyleft terms**
- .



Permissive	Weak copyleft	Strong copyleft licenses	Network Copyleft
<i>Allow any kind of usage of code. Permissive licenses permit software to become proprietary.</i>	<i>Prevent the software component (often a software library) from becoming proprietary, yet permit it to be part of a larger proprietary program.</i>	<i>Prevent the software from becoming proprietary.</i>	<i>Prevent the software from becoming proprietary on network environment, triggering copyleft not only by distributing but also using it.</i>
Most popular licenses (SPDX code)			
<p style="text-align: center;">MIT (MIT)</p> <p>A short and simple permissive license with conditions only requiring preservation of copyright and license notices. Licensed works, modifications, and larger works may be distributed under different terms and without source code.</p>	<p style="text-align: center;">LGPL (LGPL-3.0)</p> <p>The license allows developers and companies to use and integrate a software component released under the LGPL into their own (even proprietary) software without being required by the terms of a strong copyleft license to release the source code of their own components. The use of this license is discouraged by the FSF.</p>	<p style="text-align: center;">GPL v3 (GPL-3.0)</p> <p>The most popular Free Software license. Permissions of this strong copyleft license are conditioned on making available complete source code of licensed works and modifications, which include larger works using a licensed work, under the same license. Copyright and license notices must be preserved. Contributors provide an express grant of patent rights.</p>	<p style="text-align: center;">Affero GPL v3 (AGPL-3.0)</p> <p>Based on GPL v3, is dedicated to software used over a network (SaaS for instance). This provision requires that the full source code be made available to any network user.</p>
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Some Common Uncertainties



- Who has the copyright?
- Where is the license?
- Where to put information about licenses?
- How can I make sure that other people are aware of my license?

REUSE: Making FOSS licensing simpler



REUSE
SOFTWARE

```
/*  
* SPDX-License-Identifier: GPL-3.0-or-later  
*  
* SPDX-FileCopyrightText: 2020 Jane Doe <jane@example.org>  
*/
```

Thanks for the attention!

Questions?

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