# Licenses:
# Words, Words, Words

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# Copyright

- Covered actions
  - -- reproduce            -- publicly display
  - -- create derivative works   -- publicly perform
  - -- distribute
- Key requirements
  - original expression with some creativity
  - fixed in a tangible medium

# Derivative Works

"**a work based on one or more preexisting works**, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgement, condensation, or **any other form in which a work may be recast, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications,** which, as a whole, represents an original work of authorship, is a 'derivative work'"

# Patents

- Covered actions

  -- make          -- offer to sell

  -- use           -- import

  -- sell

- Key Requirements

  -- novel         -- has utility

  -- non-obvious  -- described in detail

# BSD License

"*Redistribution* and *use* in source and binary forms, with or without modification, are permitted provided that the following conditions are met..."

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"Permission is hereby granted, free of charge... including without limitation the rights to **use**, **copy**, **modify**, *merge*, *publish*, **distribute**, **sublicense**, and/or **sell** copies of the Software, and to permit persons to whom the Software is furnished to do so, subject to the following conditions..."

# ALv2: Patent License

- Perpetual, worldwide, non-exclusive, royalty-free, irrevocable license to all patent rights
  - "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."
- Patent license terminates upon instituting patent litigation over Work against any entity.

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# ALv2: Redistribution

- Applies to:
  - source or object code, with or without modification
- Conditions:
  - give copy of Apache License
  - prominent notice of change for each modified file
  - source must retain all IP notices
  - include all relevant attribution NOTICEs
- Handling original additions/modifications:
  - may add your copyright notice to your modifications
  - may offer under other licenses

# Apache License
# Disclaimer of Warranty

- Unless required by law, Work on a *"AS IS"* basis, including:
  - TITLE,
  - NON-INFRINGEMENT,
  - *MERCHANTABILITY*,
  - *FITNESS FOR A PARTICULAR PURPOSE*

# Mozilla Public License v.1.1

- Definition of "Larger Work"
  - "a work which combines Covered Code or portions thereof with code not governed by the terms of this License."


- Distribution of Larger Work:
  - may distribute Larger Work as single product
  - as long as MPL requirements fulfilled for Covered Code

# MPL v1.1: Definitions

- Licensable
  - "***having the right*** to grant, to the maximum extent possible, whether at the time of the initial grant ***or subsequently acquired***, any and all of the rights conveyed herein."
- Patent Claims
  - any patent claim(s), now owned ***or hereafter acquired***, including without limitation,  method, process, and apparatus claims, in any patent Licensable by grantor.

# MPL v1.1: Patent Termination

- Two ways to terminate patent licenses:
  - litigate against **Participant** for **the work**:
    - -> copyright & patent rights **from participant being sued** terminate

  - litigate against Participant for **any software, hardware, or device**:
    - -> patent grants from participant being sued terminate

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# Eclipse Public License

- "Contribution" includes:
  - changes/additions to Program
  - does <u>not</u> include additions to the Program which:
    (i) *are separate modules of software* distributed in conjunction with the Program under their own license agreement, *and*
    (ii) *are not derivative works* of the Program.

- "Contributor"
  - any person or entity *that distributes the Program*.

# EPL: 7. General

- "Everyone is permitted to copy and distribute copies of this Agreement, but…**Agreement Steward reserves the right to publish new versions**…after a new version of the Agreement is published, **Contributor may elect to distribute the Program (including its Contributions) under the new version."**

# EPL:  Commercial Distribution

"if a Contributor includes the Program in a commercial product offering, such Contributor…*agrees to defend and indemnify every other Contributor* ("Indemnified Contributor") against any losses, damages and costs (collectively "Losses") arising from claims, lawsuits and other legal actions brought by a third party against the Indemnified Contributor *to the extent caused by the acts or omissions of such Commercial Contributor in connection with its distribution of the Program in a commercial product offering*…does not apply to any claims or Losses relating to any actual or alleged intellectual property infringement."

# ALv2: Accepting Warranty or Additional Liability

"While redistributing the Work or Derivative Works thereof, You may choose to offer...support, warranty, indemnity, or other liability obligations... only if You *agree to indemnify, defend, and hold each Contributor harmless* for any liability incurred by, or claims asserted against, such Contributor *by reason of your accepting any such warranty or additional liability*."

# MPL 1.1: Required Notices

"You hereby agree ***to indemnify the Initial Developer and every Contributor*** for any liability incurred by the Initial Developer or such Contributor as a ***result of warranty, support, indemnity or liability terms You offer***."

# GPLv2: "that is to say"

- Section 0:

  – "a "work based on the Program" means either the Program or any derivative work under copyright law: *that is to say*, a work *containing* the Program or a portion of it, either verbatim or with modifications and/or translated into another language."

# GPL v2 Copyleft

- Section 2:

  "b) You must cause any work that you distribute or publish, that in whole or in part **contains or is derived from** the Program or any part thereof, to be licensed as a whole at no charge to all third parties under the terms of this License."

# GPL Redistribution Licensing

- ## Section 6
  - "Each time you redistribute the Program (or any work based on the Program), the recipient automatically receives a license from the original licensor."

- ## Section 7
  - "If a patent license would not permit royalty-free redistribution of the Program by all those who receive copies directly or indirectly through you, then the only way you could satisfy both it and this License would be to refrain entirely from distribution" of the Program."

# AfferoGPL and ASPs

"2. d) If the Program as you received it is *intended to interact with users through a computer network* and if, in the version you received, any user interacting with the Program was *given the opportunity to request transmission to that user of the Program's complete source code*, you must not remove that facility... and must offer an equivalent opportunity for all users interacting with your Program through a computer network to *request immediate transmission by HTTP of the complete source code of your modified version or other derivative work.*"

# LGPL v2: Section 5

"linking a 'work that uses the Library' with the Library **creates an executable** that is a derivative of the Library (**because it contains portions** of the Library), rather than a 'work that uses the library'...Section 6 states terms for distribution of such executables."

# LGPL v2: Section 5

"When a 'work that uses the Library' **uses material from a header file** that is part of the Library, the **object code for the work may be a derivative work** of the Library even though the source code is not. Whether this is true is especially significant if the work can be linked without the Library, or if the work is itself a library. The threshold for this to be true is not precisely defined by law."

# LGPL v2: Section 5

"If such an object file uses only numerical parameters, *data structure layouts* and accessors, and small macros and small inline functions (ten lines or less in length), then the *use of the object file is unrestricted*, regardless of whether it is legally a derivative work. (Executables containing this object code plus portions of the Library will still fall under Section 6.)"

# LGPL v2: Section 6

"you may...distribute that work under terms of your choice, provided that the terms *permit modification of the work for the customer's own use and reverse engineering for debugging such modifications*."

# LGPL v2: Section 6

Option #1:

"Accompany the work with the complete corresponding machine-readable source code for the Library...with the complete machine-readable "work that uses the Library", as object code and/or source code, *so that the user can modify the Library and then relink to produce a modified executable containing the modified Library.*"

# LGPL v2: Section 6

Option #2:

"Use a **suitable shared library mechanism** for linking with the Library. A suitable mechanism is one that (1) uses at run time a copy of the library **already present on the user's computer system**, rather than copying library functions into the executable, and (2) will operate properly with a modified version of the library, if the user installs one, as long as the modified version is interface-compatible with the version that the work was made with."

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# Questions

- cliffs@apache.org

**ApacheCon**

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