

OSS LICENSES IN A NUTSHELL

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OSS Weekend Kosice, October 2018

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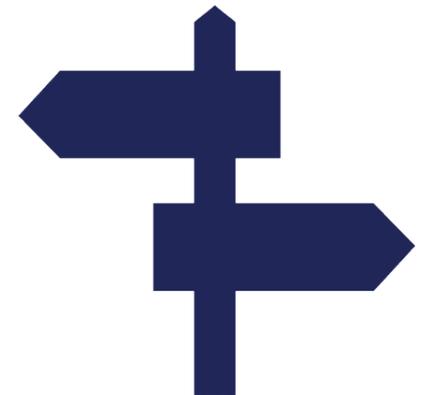
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- **Current**
Corporate Lawyer at **Evolveum**
- **Past**
Assistant of Patent and
Trademark Attorney at **inventa**
Patent and Trademark Agency



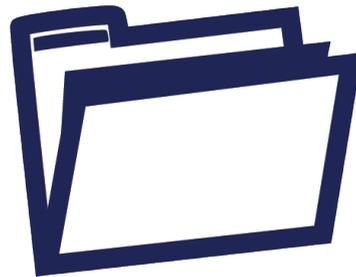
Abstract

- basic differences between copyleft and permissive OSS licenses
- GPL and Apache license basic comparison
- who, to whom and how these licenses can be granted
- what it can / will mean for your OSS project



Preface

- Continental and American legal point of view on license
- Software and Documentation and other work
- Open Source Software definition



Definitions

in accordance with Copyright Law*

- **SOFTWARE**

- commands + instructions in any form used in a computer / similar technical device if it is the result of the author's **creativity** + background material

- **WORK**

- **unique** and **sensible by senses** result of the author's **creative activity**

- **LICENSE**

- **consent to use** the work

- **LICENSE AGREEMENT**

- contractual legal **relationship between the author and the licensee**

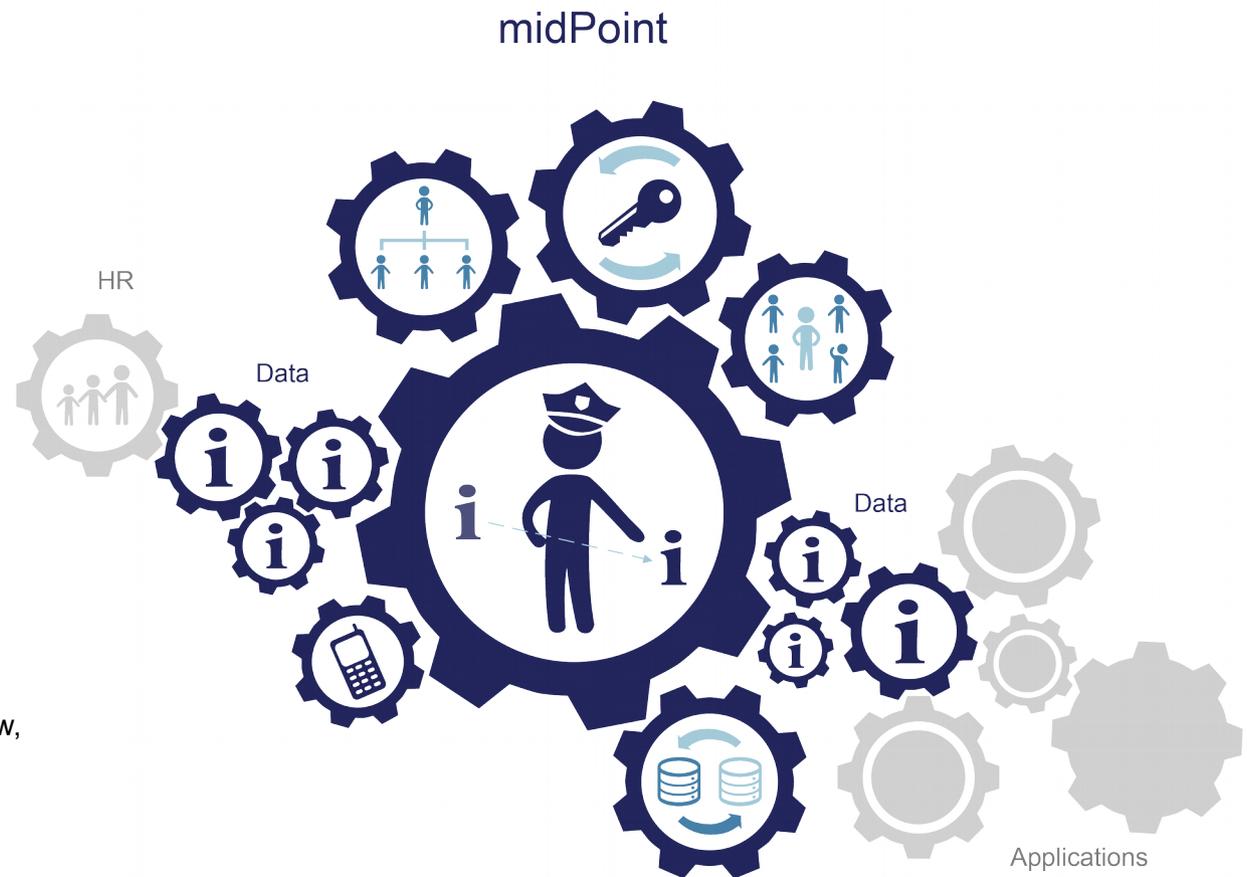
* Slovak Copyright Act of 2015, No. 185/2015 Coll



Content of the license

as a crucial criterium for software categorization*

- Free software, **Open source software** and Public domain
- Freeware
- Shareware
- Demo version
- Adware
- OEM software
- Firmware
- Etc.



* Jansa, L., Otevrel, P., Stevko, M.: Software Law, Third Edition, Computer Press 2018

Classification of Open Source licenses for software

not for documentation or other works

- **COPYLEFT**

- opposite of Copyright
- Distribution of a derivative work of a work under a copyleft license under the same license as the original work (may be combined with works under a permissive license that is deemed "compatible")
- Some people use the pejorative name **viral license**

- **STRONG COPYLEFT**

- insists on copyleft for a composite where at least one of the components are copyleft
- **Copyleft** when used without an adjective, usually means strong copyleft

- **WEAK COPYLEFT**

- copyleft only applies to derivatives, not sibling components in a composite

- **A PERMISSIVE LICENSE**

- permits re-licensing of derivative works (the derivative can have a different license than the original, and even be closed source with ARR)

Classification of Open Source licenses for software

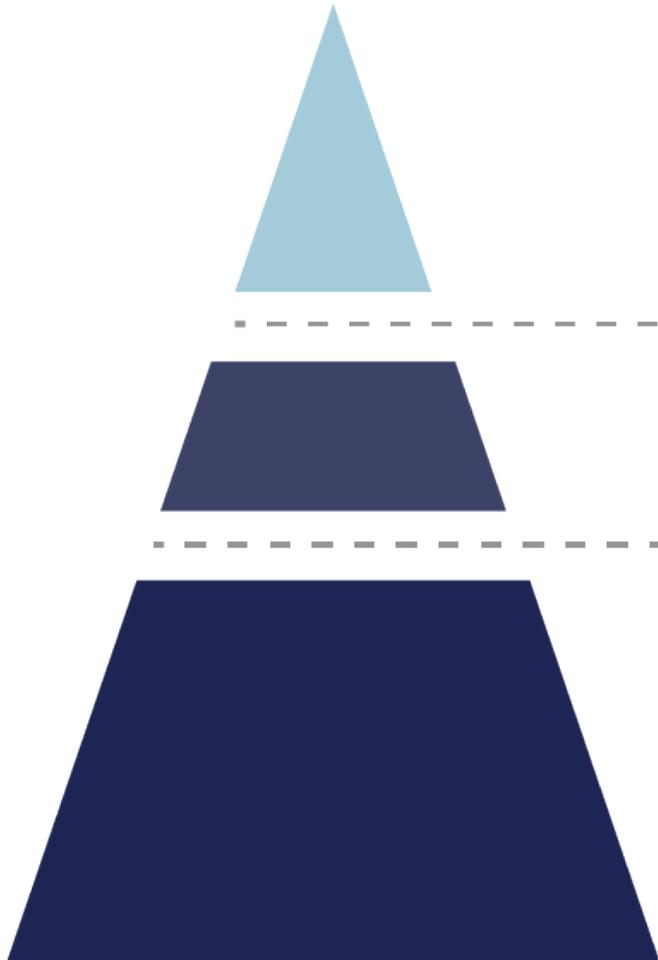
not for documentation or other works

- GPL-Compatible Free Software Licenses
- GPL-Incompatible Free Software Licenses
- Nonfree Software Licenses



GPL v3

strong copyleft



You can:

- Commercial use
- Modify the software and create derivatives
- Distribute original or modified (derivative) works
- Place warranty on the software licensed
- Use patent claims of contributors to the code

You cannot:

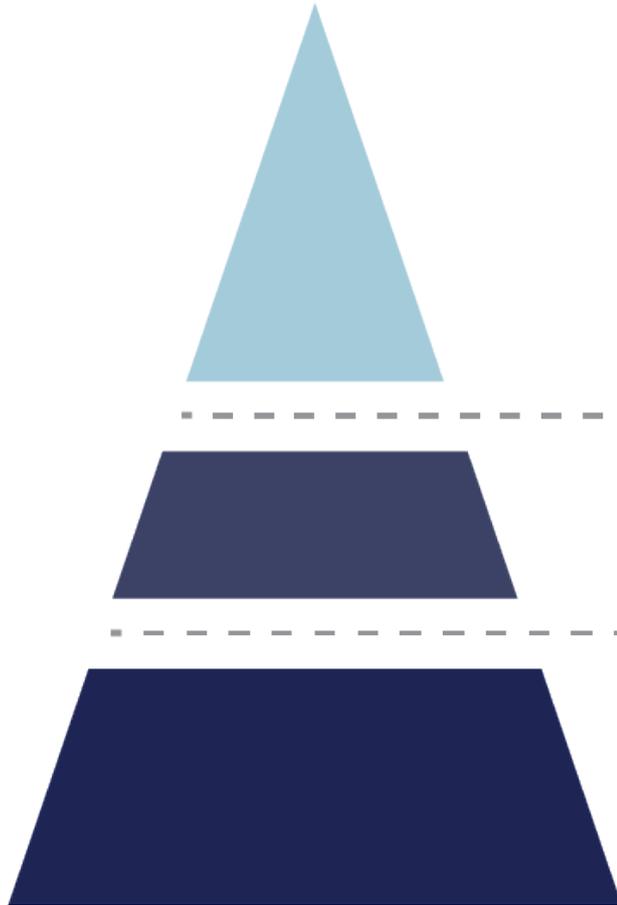
- Sublicense (grant/extend a license to the software)
- Hold liable

You must:

- Include original software
- State significant changes made to software
- Disclose source under a GPL v3 compatible license
- Include the full text of license in modified software
- Include original copyright
- Include install instructions necessary to modify and reinstall the software

Apache license 2.0

permissive



You can:

- Commercial use
- Modify the software and create derivatives
- Distribute original or modified (derivative) works
- Sublicense (grant/extend a license to the software)
- Private use (use/modify software freely without distributing it)
- Place warranty on the software licensed
- Use patent claims of contributors to the code

You cannot:

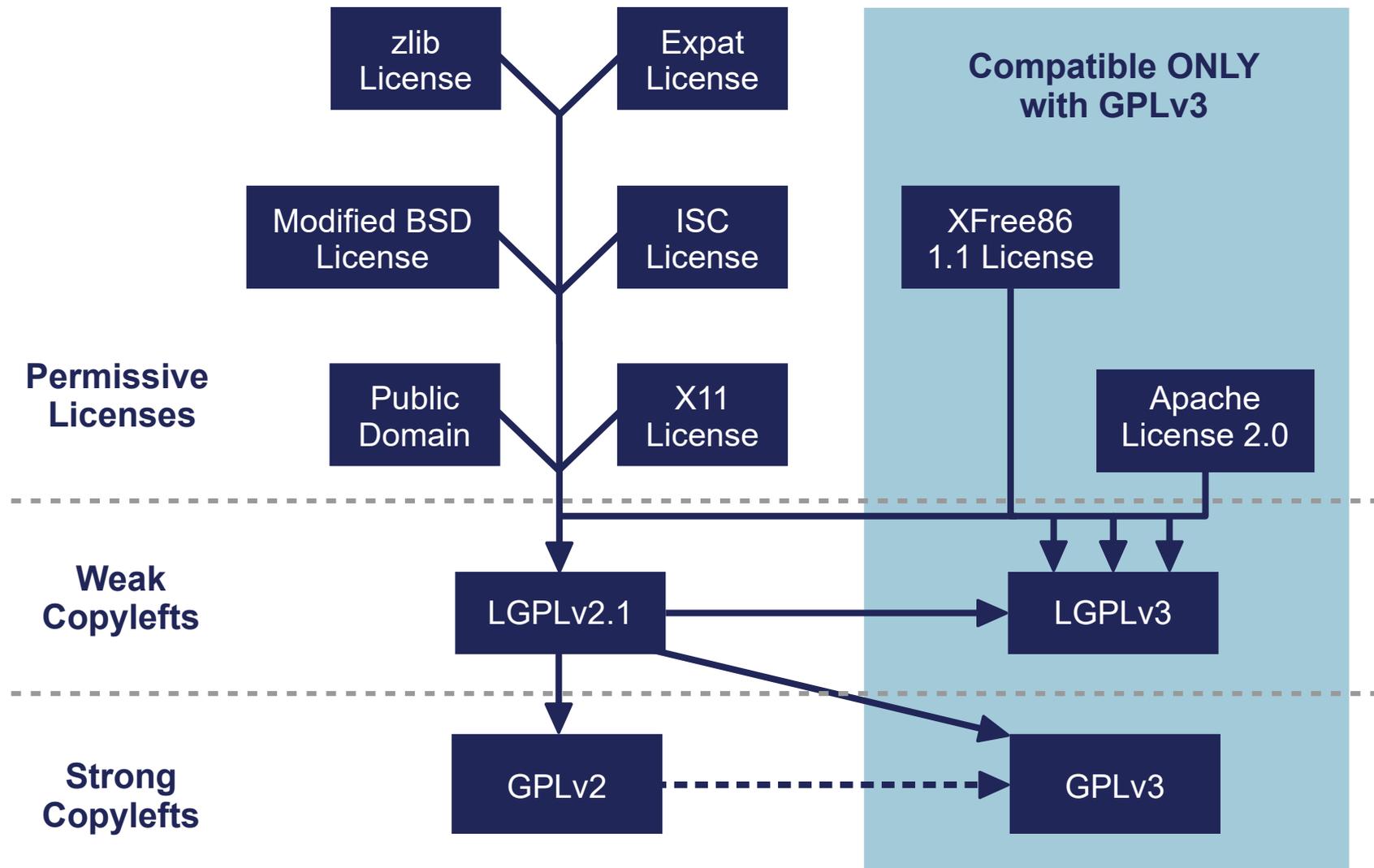
- Use contributor's names, trademarks or logos
- Hold liable

You must:

- State significant changes made to software
- Include the full text of license in modified software
- Include original copyright
- Include NOTICE when you distribute

GPL v3 v. Apache license 2.0

license compatibility



What is commercial use?

- Any use, that is primarily directed toward **commercial advantage** or **private monetary compensation** and possibly aim for a **financial remuneration**
- Any use of somebody not fully financed by public funds or private donations



If you have any questions,
please feel free to ask

Thank you for your attention