



Josh Mitchell

A Layperson's Guide to Open Source Software Licensing

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Who the hell am I



Josh Mitchell

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Previous work:

- CTO of the Drupal Association
- Government Open Source/Enterprise Applications Manager
- Director of Platform Services introducing open source to an agency
- Startup life built on open source and open platforms

In other words... I'm not a lawyer, but all of these jobs used or supported open source software as part of a portfolio of applications to support business needs.



Disclaimer

The following topic is complicated. I'm offering up my research, but also need to offer up the following disclaimer. I am not a lawyer. I am a technologist. While I have a pretty extensive history in using and participating in open source projects, this work should not be taken as legal advice. That said, I do not think just any lawyer will do to help you decipher your open source licensing needs.

If you are truly interested in the legal ramifications of a software licensing decision you need to make, consult with a lawyer that specializes in copyright, intellectual property, and software law. Further, software licensing and the related laws differ from country to country based on the legal systems present. Make sure your legal advice comes from someone that knows law that covers your type of software. Software licensing for devices, particularly networked devices, differs significantly from web and service software, which will be the focus of this post.



This is what we'll cover

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What is “open source”

2

What is a license

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The role of copyright

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Licensing is a continuum

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Compatibility

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Licensing like it's 1991

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Which license should I choose?

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Content is not software



What is “open source”?

OS vs OSS vs FOSS vs FLOSS



“
“
When we call software “free,” we mean that it respects the users' essential freedoms: the freedom to run it, to study and change it, and to redistribute copies with or without changes. This is a matter of freedom, not price, so think of “free speech,” not “free beer.”
”
”

~ Richard Stallman



What's a license?

In short, it a legal instrument that defines the permissions a copyright holder gives to others regarding the redistribution of a piece of software.



Copyright

Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

copyright.gov



Copyright

Granted for life...

+70

years*

*give or take depending on the work



Shared copyright

If more than one person is defined in the copyright, that copyright is shared and all parties must agree to any changes to the licensing of that work.



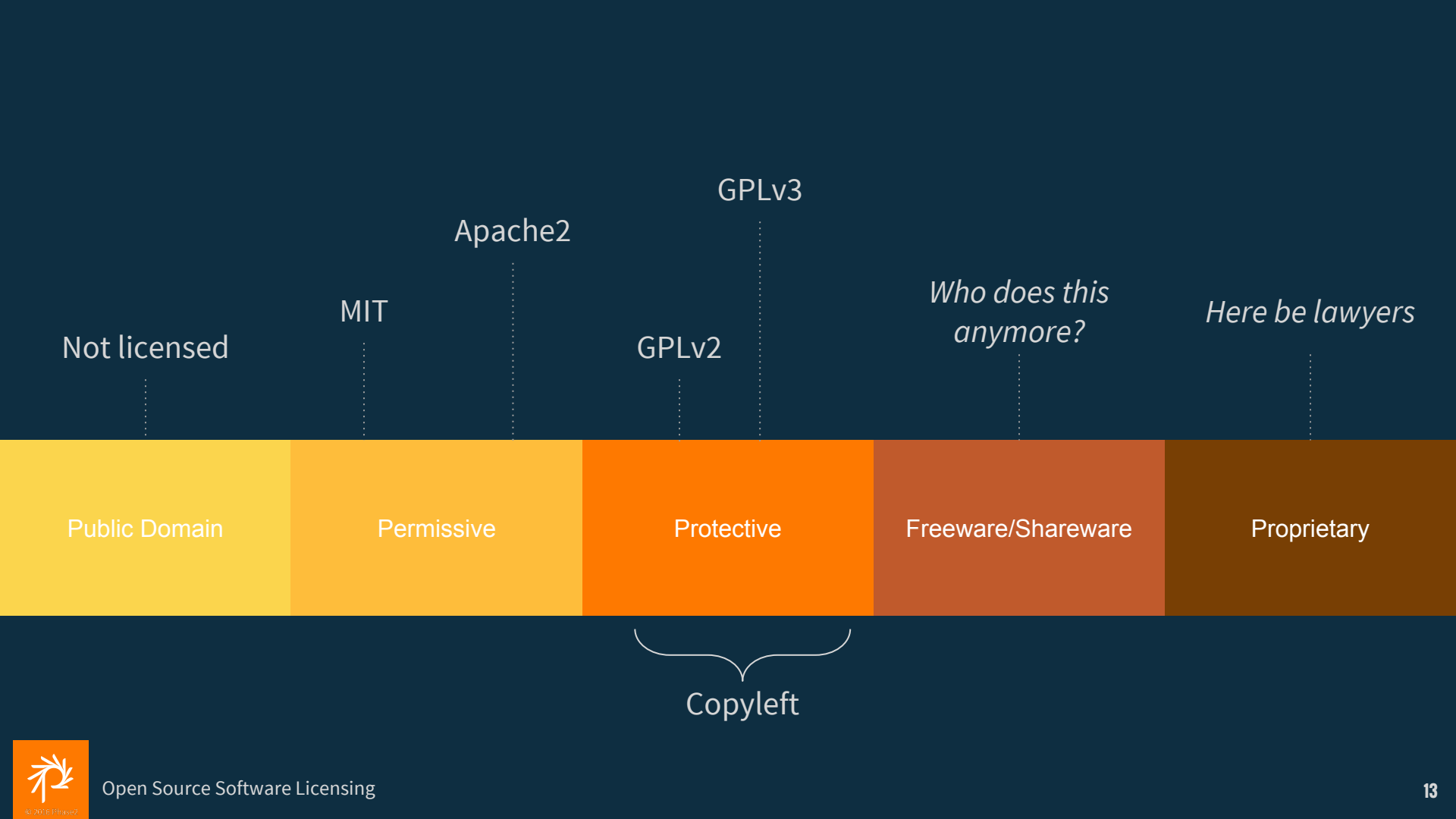
A person's hands are shown typing on a white keyboard. The background is a blurred office setting. A smartphone is visible on the desk to the right. The text is centered in a white box with a dark border.

A funny story about contributor licensing agreements...



Software licensing falls on a continuum





Compatibility

MIT

GPLv2

GPLv3

Apache2

X



Party like it's 1991

GPL version 2

Why do Wordpress, Drupal, and even the Linux Kernel use this license?

1. **Timing:** it was the preferred Copyleft license at the time of the founding of each of these projects.
2. **Intent:** all three of these project founders wanted to keep future versions free.
3. **Change:** these projects did not want to convert to GPLv3 explicitly due to concerns with its provisions.





Which should I choose?



**Want people to use your
code?**

MIT



**Are you concerned about
patents?**

Apache2



**Are you developing a module
for Drupal or a plugin for
Wordpress?**

GPLv2 “+”



**What about GPLv3 or LGPL or
AGPL or [insert license name
here]?**

My project wants freedom!

「(ツ)」



Content is not Software



Creative Commons is a great place to start if you want to apply some of the same principles to your content.



Questions?

