Easing the Burden of FOSS License Compliance

Some Practical Considerations

David Levine

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FOSS Compliance 101 for Permissive Licenses*

- Provide a copy of the licenses.
- Include copyright notices.

*For copyleft licenses (like GPL), make corresponding source code available to distributees.
Compliance Paths

Path 1: Include Source Code

Path 2: Extract License Info

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Path 1 - The easy way!

Provide source code along with binary/executable application (even when not required to do so!)

Why does this work?
Source code and associated files (e.g. LICENSE/README) normally contain all required items.
Path 2 - The Hard Way

- Extract licenses and copyright notices from source files.
- Insert into separate text files.
- Accompany the binary/executable.
Path 2 - The Hard Way

- Effort is not trivial.
  - Processes
  - Systems
  - Human Resources

- Time and expense to create these text files should not be underestimated.
Path 2 - The Hard Way
Compliance Industrial Complex at Work

A term by some that evokes dystopian imagery of organizations engaging in elaborate and expensive processes to comply with open source license terms.

As life often art, many organizations engage in this practice, sadly robbing them of the many benefits of the open source model.
Path 1\(^1\) - An Added Bonus!
Upstream the Source Code

- Upstreaming code changes (i.e. releasing source code back to open source project) may reduce cost of goods as you do not have to maintain a private fork* of changes that must be internally merged with the upstream open source code upon every release.

*An increasingly costly and messy endeavor as your internal code base diverges from the community project.
Breaking Down Barriers: Why not release source?

Perception that releasing source code may reveal competitive information:

- Often not the case.
- Proprietary products often contain substantial open source code to enable foundational features of most contemporary products, such as wifi and cloud services.

At a minimum, why not distribute and upstream source for non-differentiating bits?
Breaking Down Barriers: Why not release source?

Perception that changes to open source bits have significant copyright and/or patent value.

- Many changes are de minimus and contain little new copyright expression or patentable content.
A Public Service Announcement

Practical Issues with Strict License Interpretation

- Many open source practitioners believe that license, copyright, and source (if required) must directly and physically accompany software in their entirety and, for source code, be on a legacy medium used for software interchange.

- Meaning that links to online documents/repositories is frowned upon -- which is unfortunate.
A Public Service Announcement

Practical Issues with Strict License Interpretation

Why insist on providing licenses, notices and/or software on a medium that no one can read (e.g. CDs or Paper...or even a punch card)?
A Public Service Announcement
Practical Issues with Strict License Interpretation

- Physical distribution is becoming antiquated.
- Overly strict interpretations can damage modern cloud-based open source ecosystems.

Embrace the era of the cloud! It is less expensive to comply, easier to read and access, and better for the environment.
Resist the Compliance Industrial Complex Mindset!

Use open source the way it was intended and experience the joy of releasing your source code to benefit your bottom line and the open source ecosystem from which you will continue to reap increasing benefits!