Legal aspects of publishing and contributing to open-source projects

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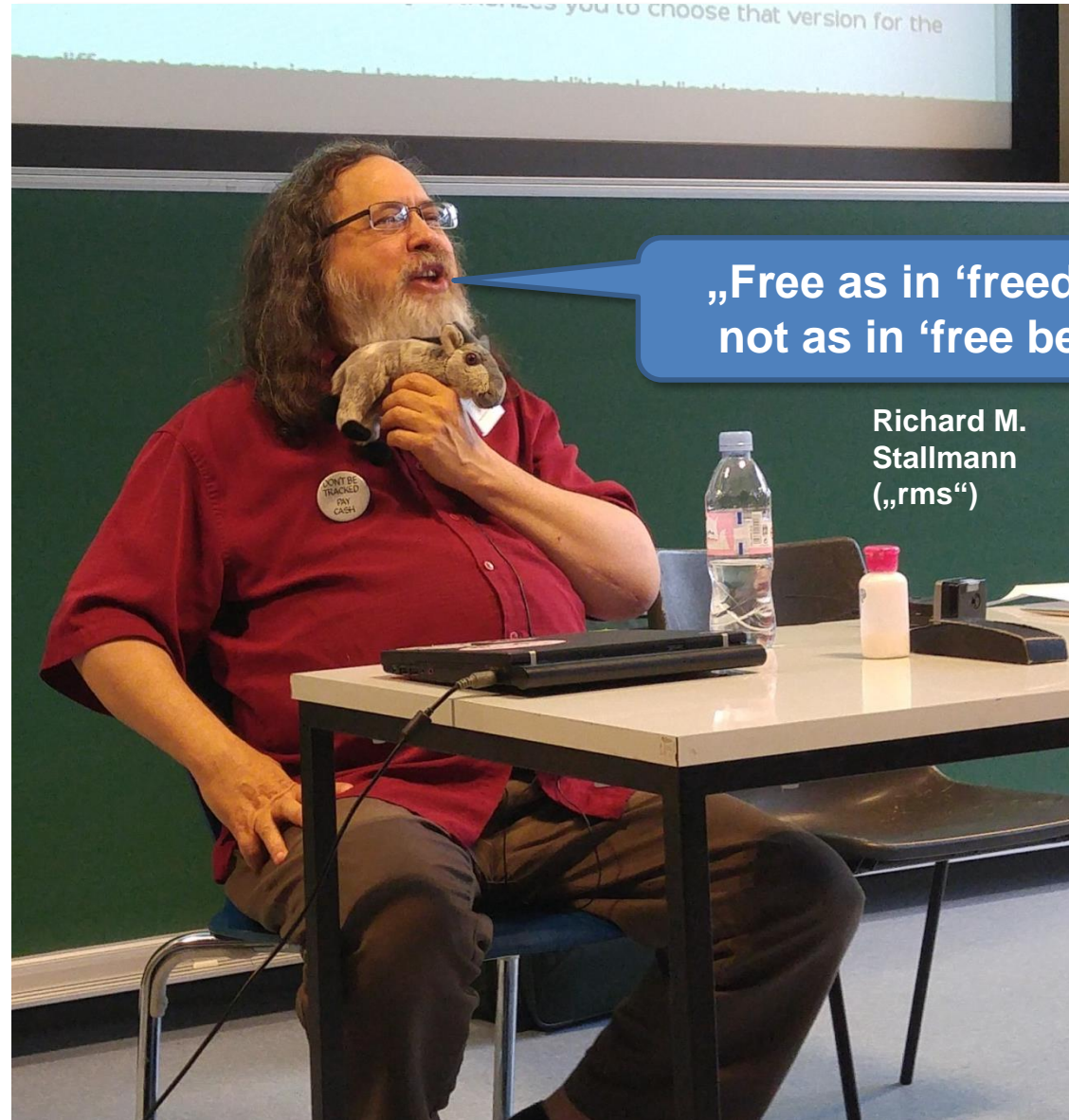
Knowledge for Tomorrow

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Definition „Free Software"
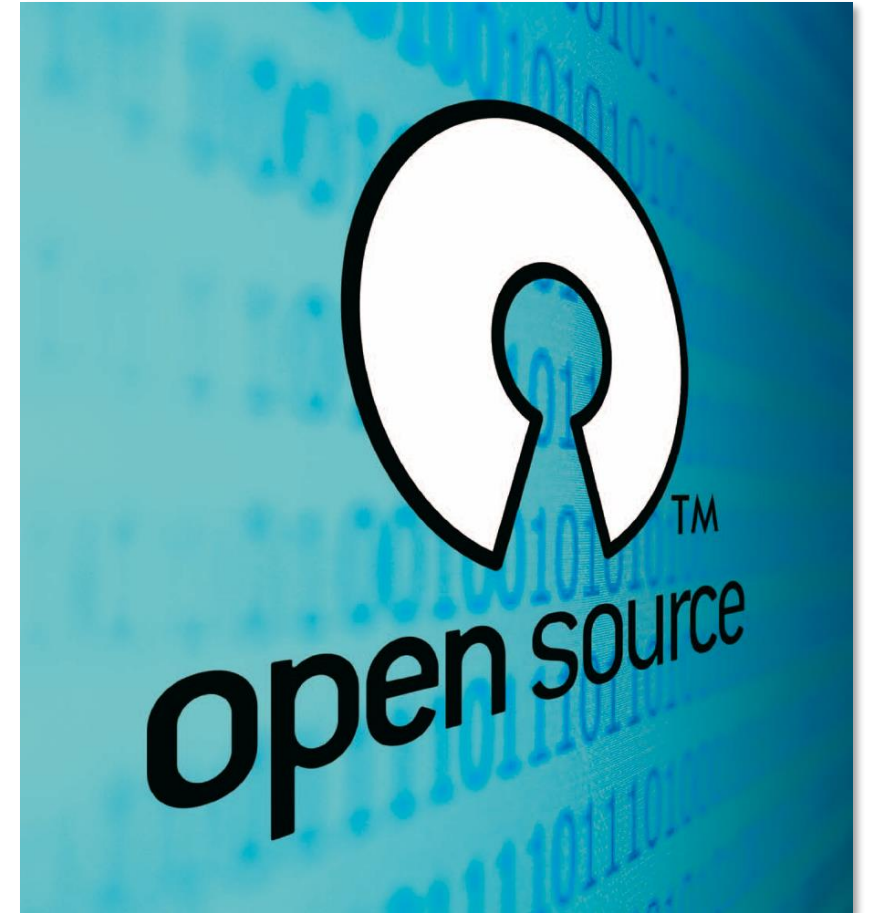## Free Software Foundation (FSF)

*Free software is a matter
of the user´s freedom
to run, copy, distribute,
study, change
and improve the software.*

„Free as in 'freedom',
not as in 'free beer'"

Richard M.
Stallmann
(„rms")

Use Cases of Open Source Software (OSS)

- Publishing Software as OSS

- External contributions to your OSS

- Contributing to OSS

Legal basis
Relevant laws

Copyright (DE: Urheberrecht) – Copyright protection of software (§§ 69a ff. UrhG)

- Object of protection ([§ 69a UrhG](#))
  - Computer programs are protected in any form (both source and object code)
  - Ideas and principles of the program are not protected
- Acts requiring approval ([§ 69c UrhG](#))
  - Permanent or temporary reproduction
  - Translation, editing or other revision
  - Distribution

Contract law

- *"The entrepreneur has to provide the customer with the work free of material a* ([**§ 633 Abs. 1 BGB**](#))
- *"The work is free from defects in title if third parties cannot assert any or only the rights assumed in the contract against the purchaser in relation to the work"* ([**§ 633 Abs. 2 BGB**](#))

Legal consequences of copyright infringement regulated by civil law and criminal law
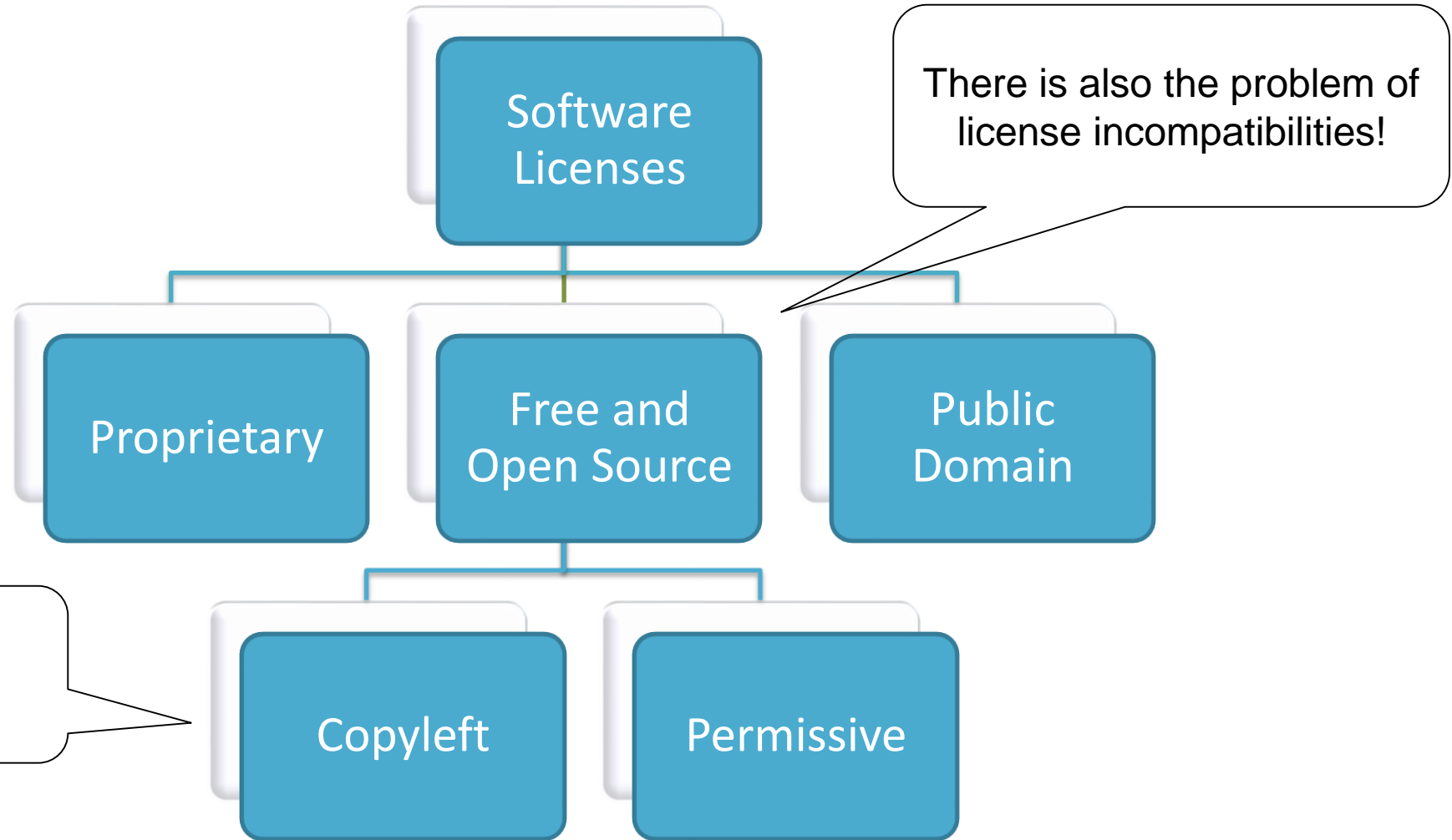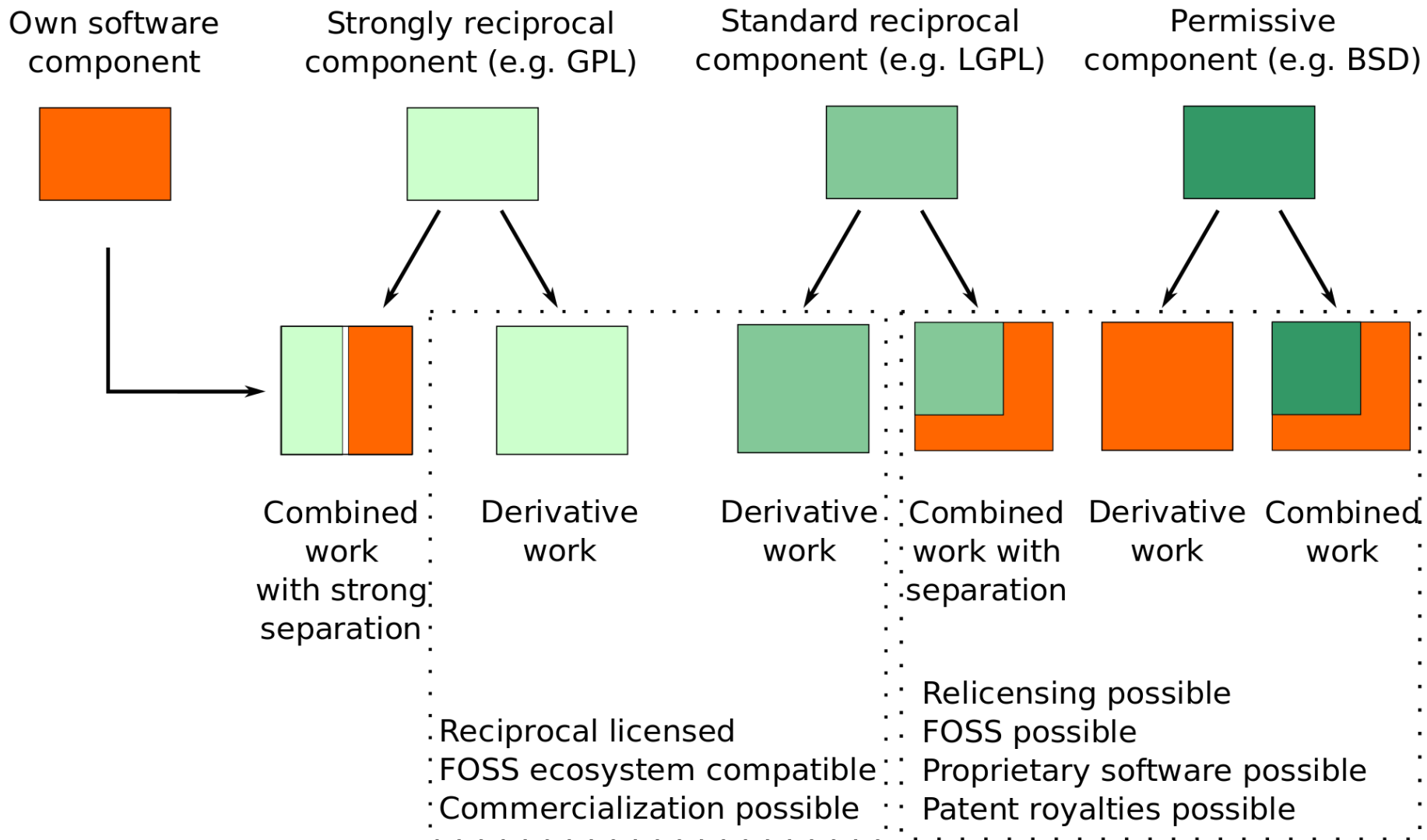
Publishing Software as OSS
Process

1. Get permission of your organization

2. Determine legal requirements and resulting tasks

   a. Identify entitled contributors

   b. Clarify export restrictions of the software

   c. Check funding conditions

   d. Analyze license terms of third party code

   e. Cost and benefit assessment

Software Licenses

Combining Modules under Different Licenses

Own software
component

Strongly reciprocal
component (e.g. GPL)

Standard reciprocal
component (e.g. LGPL)

Permissive
component (e.g. BSD)

Combined
work
with strong
separation

Derivative
work

Derivative
work

Combined
work with
separation

Derivative
work

Combined
work

Reciprocal licensed
FOSS ecosystem compatible
Commercialization possible

Relicensing possible
FOSS possible
Proprietary software possible
Patent royalties possible

Using Third Party Code
Factors to consider

- License of third party code

- Integration of third party code (loose coupling, linking, source code)

- Distribution of

  - third party code (shipping, instructions)

  - software (binary, source code)

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3. Determine details of publication and implement preparatory tasks

   a. Define license terms, form of publication and support strategy

   b. Prepare software for publication

   c. Check the requirements for publication and release the software

4. Publish software

Minimal License Checklist

Choose a license

- Make sure that you comply with restrictions resulting from licenses of third-party dependencies

Prepare your code

- Add the license file to your repository (=> LICENSES directory)

- Add a copyright/license information to **all** your source files

- Document your third-party dependencies including their licenses

Add the License File

Adapt the copyright hint

MIT License Copyright (c) 2013 German Aerospace Center (DLR)

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The above copyright notice and this permission notice (including the next paragraph) shall be included in all copies or substantial portions of the Software.

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Do not change the license text!

DLR

Add Copyright and License Hints to Source Files

```
1  # SPDX-FileCopyrightText: 2013 German Aerospace Center (DLR)
2  # SPDX-License-Identifier: MIT

5  """
6  This module is the central entry point of the application.
7  It initiates input methods, calculations, and the logging
8  capabilities.
9  """
10
11
12 import argparse
13 import configparser
14 import logging
```

Copyright hint

License hint via SPDX tag

REUSE Software Initiative:
https://reuse.software/

DLR

Document Dependencies

Install

The script requires Python >= 3.6 and uses the libraries pandas (*BSD 3-Clause License*) as well as matplotlib (*Matplotlib License*).

Please clone this repository and install the required dependencies. We suggest that you install them in a virtual environment.

> The script has been used on CentOS 7 and Windows 7 with Python 3.6.6.
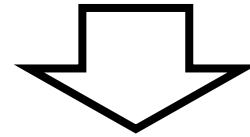
📄 **requirements.txt** 32 Bytes

```
1    matplotlib==3.0.0
2    pandas==0.23.4
```

Recommendations

- Know who has the exploitation rights

- When accepting external contributions, either

    - create CLA or

    - ensure you selected the correct license

- When using third party code – check license early

    - Prevent copy left licenses (i.e. GPL)

    - Ensure license compatibility

- Use a standard OS License

All of this makes OSS sound scary, but it's not better when proprietary licenses get involved!

Questions?

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#WIRROCKENSOFTWARE