

Enforcing the GNU GPL Copyright helps Copyleft

by

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Contents

- Introduction
- Past GPL Enforcement
- The Linksys case
- Typical enforcement timeline
- Success so far
- Cases so far
- Future GPL Enforcement
- Thanks

Introduction

Who is speaking to you?

- an independent Free Software developer
- who earns his living off Free Software since 1997
- who is one of the authors of the linux kernel firewall system called netfilter/iptables
- who IS NOT A LAWYER, although this presentation is the result of dealing six months with lawyers on the GPL

Why is he speaking to you?

- because he became aware of copyright (copyleft?) infringement and took legal action within German jurisdiction

Past GPL enforcement

Past GPL enforcement

- GPL violations are nothing new, as GPL licensed software is nothing new.
- However, the recent Linux hype made GPL licensed software used more often
- The FSF enforces GPL violations of code on which they hold the copyright
 - silently, without public notice
 - in lengthy negotiations

The Linksys case

- During 2003 the "Linksys" case drew a lot of attention
 - Linksys was selling 802.11 WLAN Acces Ponts / Routers
 - Lots of GPL licensed software embedded in the device (included Linux, uClibc, busybox, iptables, ...)
 - FSF led alliance took the usual "quiet" approach
 - Linksys bought it self a lot of time
 - Some source code ws released two months later
 - About four months later, full GPL compliance was achieved

The Linksys case

- Some developers didn't agree with this approach
 - not enough publicity
 - violators don't lose anything by first not complying and wait for the FSF
 - four months delay is too much for low product lifecycles in WLAN world
- The netfilter/iptables project started to do their own enforcement in more cases that were coming up

Enforcement case timeline

□ In chronological order

- some user sends us a note he found our code somewhere
- reverse engineering of firmware images
- sending the infringing organization a warning notice
- wait for them to sign a statement to cease and desist
- if no statement is signed
 - ▷ contract technical expert to do a study
 - ▷ apply for a preliminary injunction
- if statement was signed
 - ▷ try to work out the details
 - ▷ grace period for boxes in stock possible
 - ▷ try to indicate that a donation would be good PR

Success so far

□ Success so far

- amicable agreements with a number of companies
 - some of which made significant donations to charitable organizations of the free software community
- preliminary injunction against Sitecom, Sitecom also lost appeals case
- more settled cases (not public yet)
- negotiating in more cases
- public awareness

Cases so far

- Allnet GmbH
- Siemens AG
- Fujitsu-Siemens Computers GmbH
- Axis A.B.
- Securepoint GmbH
- U.S.Robotics Germany GmbH
- undisclosed large vendor
- Belkin Components GmbH
- Asus GmbH
- Gateprotect GmbH
- Sitecom GmbH
- TomTom B.V.
- Gigabyte Technologies GmbH
- D-Link GmbH
- Sun Deutschland GmbH
- Open-E GmbH

Future GPL Enforcement

GPL Enforcement

- remains an important issue for Free Software
- will start to happen within the court
- has to be made public in order to raise awareness

Problems

- only the copyright holder (in most cases the author) can do it
- users discovering GPL'd software need to communicate those issues to all copyright holders

The <http://www.gpl-violations.org/> project was started

- as a platform where users can report alleged violations
- to verify those violations and inform all copyright holders
- to inform the public about ongoing enforcement efforts

Make later enforcement easy

- Practical rules for proof by reverse engineering
 - Don't fix typos in error messages and symbol names
 - Leave obscure error messages like 'Rusty needs more caffeine'
 - Make binary contain string of copyright message, not only source
- Practical rules for potential damages claims
 - Use revision control system
 - Document source of each copyrightable contribution
 - ▷ Name+Email address in CVS commit message
 - Consider something like FSFE FLA (Fiduciary License Agreement)
 - Make sure that employers are fine with contributions of their employees
- If you find out about violation
 - Don't make it public (has to be new/urgent for injunctive relief)
 - Contact lawyer immediately to send warning notice

Thanks

Thanks to

- Alan Cox, Alexey Kuznetsov, David Miller, Andi Kleen
 - ▷ for implementing (one of?) the world's best TCP/IP stacks
 - Paul 'Rusty' Russell
 - ▷ for starting the netfilter/iptables project
 - ▷ for trusting me to maintain it today
 - Astaro AG
 - ▷ for sponsoring parts of my netfilter work
 - Free Software Foundation
 - ▷ for the GNU Project
 - ▷ for the GNU General Public License
- The slides of this presentation are available at <http://www.gnumonks.org/>

Further Reading

- The netfilter homepage <http://www.netfilter.org/>
- The <http://www.gpl-violations.org/> project