

# Beyond Legal Compliance

## Embracing the FOSS community

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# Outline

- 1 Historical Development
  - FOSS is everywhere
  - GPL enforcement
- 2 Beyond minimal license compliance
  - FOSS communities vs. license terms
  - Becoming part of the community

## About the speaker

- Programming computers since 1989
- Linux user + application developer since 1994
- Linux kernel development since 1999
- GNU GPL license enforcement since 2003
- IT security expert, network protocol security
- Board-level Electrical Engineering
- System-level Software for PPC, ARM, x86
- IANAL, but companies not complying with the license forced me to spend lots of time with legal issues

# Historical development

- 1970ies: Software becomes copyrightable
- 1980ies: GNU project, GPLv1
- 1990ies: Linux kernel, GPLv2, servers
- 2000s: Linux and FOSS is everywhere

# Linux and Free Software (FOSS) everywhere



# More Linux - More License Violations

- Boom of Linux results in many *new companies* using it in products
- Such Linux newbies do not have a history in the FOSS community
- They also do not share the same culture, values and norms
- They simply use Linux to reduce royalty cost for proprietary OS
- They run into trouble (GPL violations)

# More License Violations - More Enforcement

- New Linux based products continue to enter the market
- License compliance often very bad
- Community is deeply upset about the violation of its rules
- Often perceived as insult of the FOSS community culture
- Lack of respect of corporations towards community
- Legal enforcement is often the only possible way for community to educate corporations

# GPL enforcement

- Before 2003: Mostly Free Software Foundation
- 2003-now: gpl-violations.org (Europe), 200 cases
- 2005-now: SFLC (United States)
- publicly invisible enforcement
  - e.g. MySQL (dual-licensing)
  - e.g. Asterisk (dual-licensing)



# FOSS community is technical, not legal

- FOSS is created by software developers working together in collaborative ways, often without any formal structure
- Individuals, Universities as well as Corporations contribute their work
- Cooperation in a culture of sharing
- Even direct competitors like Intel and AMD cooperate in Linux development, because everyone needs it
- FOSS communities are deeply technical. They hate company politics.
- License is **just** a last resort of protection against those who absolutely don't understand FOSS

# Beyond pure legal compliance with licenses

- Compliance with the legal terms of the license is the absolute bare minimum that companies have to do
- If you use FOSS in your products, please consider establishing a healthy relationship with the communities that drive development of this software
- It is not a customer / supplier relationship!
- The community expects you to participate in development

# Why should you join?

## Benefits to Embedded electronics companies

- Larger number of engineers can help you improve your product
  - optimize performance (battery, speed, ...)
  - fix more bugs than your in-house R&D
  - have more ideas/innovation than all engineers combined inside your company!
- Be recognized within the community as *somebody who understands*
  - allows you to attract skilled developers from the FOSS world who would otherwise never consider working for you
  - makes you more attractive to most technical customer base of *early adopters*
- Reduce cost of maintaining your code base

# How to become part of the community

- Permit your engineers to engage in technical discussions on mailing lists
- Submit your modifications to the respective upstream projects
- Join technical conferences and discuss technical issues
- Encourage the community to innovate and extend your products

# When and how to release source code

- Legal requirement:
  - You're used to release source code at the time product ships because the license forces you to
- Community norm:
  - Your engineers interact with the project maintainers during R&D
  - Source code of your modifications undergoes review + inclusion in mainline

# Quality of the source code release

- Legal requirement / Reality:
  - *complete and corresponding* source code
  - Often does not compile
  - Often contains proprietary kernel modules of questionable legality
  - Often provides no (simple) way of installing re-compiled program on the actual device
- Community norm:
  - *complete and corresponding* source code
  - no proprietary kernel modules that constrain e.g. updates to later kernels
  - complete utilities to install modified version of software on the device
  - maybe even some instructions on how to do so

# Summary

- Show respect for the FOSS development model based on mutual respect and understanding
- Actively engage and discuss with the community
- Don't try to cheat your way out of license compliance
- Treat community as partner in development of your products
- Don't treat them like your enemy (DRM, Tivo-ization)!

# Panel Discussion

- Thanks for your attention
- We will now have a panel discussion on the subject of FOSS community interaction beyond license compliance
- Contact me at [laforge@gpl-violations.org](mailto:laforge@gpl-violations.org) with questions, feedback and comments