What happened so far
Fewer blatant violations
New interesting legal case in Germany
Outlook

GNU GPL License Compliance

Current issues and Outlook

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Outline

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About the speaker

- Linux user 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

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Historical development
FOSS is everywhere
GPL enforcement

Historical development

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

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Historical development
FOSS is everywhere
GPL enforcement

Linux and Free Software (FOSS) everywhere

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Historical development
FOSS is everywhere
GPL enforcement

GPL enforcement

- Before 2003: Mostly Free Software Foundation
- 2003-now: gpl-violations.org (Europe),   200 cases
- 2008-now: SFLC (United States)
- publicly invisible enforcement
    - e.g. MySQL (dual-licensing)
    - e.g. Asterisk (dual-licensing)

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Fewer blatant GPL violations

In recent years,

- most companies understand they have to care about compliance
- most products ship with written offer, license text
- some form of source code is provided

so where's the problem?

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Problem with current source code offers

The problem is:

- source code is often incorrect
- source code is often incomplete
- source code is often missing for firmware updates

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The License is a tool, not an end in itself!

- GPL created by demand from Engineers, not Lawyers
- Idea: Protect freedom of code and users
- Community based, collaborative development
- Industry should think about how they engange with the community in a productive way, *beyond mere license compliance*

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New interesting legal case in Germany

- DSL router vendor (AVM) is using GPL code (Linux kernel, etc.)
- 3rd party company (Cybits) is creating additional software to be installed onto the DSL router
  - Only GPL licensed components are modified
- AVM sues Cybits over *modification of its firmware*
- gpl-violations.org intervenes on defendant's side

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AVM ./. Cybits

Significance of this *AVM ./. Cybits* case

- GPL was created to enable and encourage innovation
- Innovation can not be restricted to vendor
- Everyone (customer, 3rd parties, ...) have right to make and distribute modified versions
- Levels the playing field, encourages competition, prevents monopolies
- Homebrew 3rd party firmware projects like OpenWRT, Cyanogenmod are widely used

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Outlook

- Blatant GPL violations in embedded devices are declining, but are likely to continue due to lack of skill or negligence.
- We'll see more *derivative works* types of GPL violations, and we'll see actual legal enforcement and precedent in this area over the next years.
- Stronger copyright protection demanded by content industry will also mean stronger protection for FOSS licenses. Imagine GPL enforcement with *three strikes* law in France ?!?