

Copyleft vs permissive vs CLAs

A veteran's perspective

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Obligatory disclaimer

All opinions are mine and do not necessarily reflect views or opinions of my employer or other organizations I am part of

In the beginning ...

- ... there was confusion.
- ... great confusion.
- It's hard to wrap your head around the fact licensing even exists, although that was back then before widespread use of the internet.
- My experience is still that most young developers do not understand how copyright works and what are the rules, although most know there are some rules around copying.
- A lot of developers get to know about license when they meet open source software. So what the licenses say is taken for granted and people have no tools to question anything that is said, right or wrong.
- Proprietary software developers are sheltered from this 'stuff'. They are told by their lawyers take care about IP, the only rule to follow is that the code is secret and proprietary and please do not even look at that 'free' code.

Reading a license

- EULAs are still the most common 'licenses' normal people has a chance to see.
 - And **nobody** reads them.
- Some brave developer sometimes decides to actually read the license.txt file.
 - Most remain quite confused.
- Understanding licenses is simply beyond most people willingness to know.
- Some nutcases (like me :-)) actually try to understand what a license is, and get sucked into the Copyright* world and starts to know about (Free) Software beyond the mere intuitive good/bad gut feeling one may have about these legal documents.
- What to do about the rest ?
 - Should we try harder and simplify licenses a la CC way ?
 - Would it help, or put yet another curtain in between ?
 - Is it even possible to meaningfully simplify ?
- Free Software 'legal' advocates risk leaving behind the developers !!

*and Patents and Trademarks, and Contracts...

Impact of the first license

- The first License I met was the GPL
- I learned about it because of Linux
- I learned about FSF and GNU only many years after
- Until I learned about FSF, I had only a vague idea of what the GPL meant. I hadn't really read it fully.
- I found the GPL awesome, but is that due to a sort of imprinting effect ? Unclear.

Copyleft is awesome

- Allows you to grow a community based on collaboration.
- Excellent for very hard technical problems where nobody can run alone.
- Excellent for catching up to existing proprietary alternatives through sharing.
- Allows to reuse a lot of existing code as well.
- Great if you do not want proprietary forks

Then the rest came

- I personally learned about other more permissive licenses (BSD) only some time after I met the GPL.
- It changed my perspective.
- Didn't make me like the GPL less, I was actually really amused someone would give out for nothing.
- It clicked when I learned what was this Berkeley thing was.

Permissive licenses are awesome

- Allows to dump code in the wild for anyone to use the way they see fit best
- Excellent for reference implementations
- Excellent for implementing potential standards
- Especially file formats or networking protocols
- Great if you do not care for or actively hope for adoption in proprietary products

Dating CLAs

- I first met CLAs for real only at Red Hat
- My first new project at Red Hat (FreeIPA) was asked to use a CLA by the legal department
- I hated it instinctively
- I had good reasons, it turned out
- Eventually, we developers, were able to get rid of it.

Why CLAs are evil

- Contributory License Agreement/Assignment
- Cumbersome legal documents, difficult to understand for many developers.
- Often impossible to sign by employees of big organization, especially non-software related ones. Very much so if government agencies.
- Tempting as a solution for legal maintenance
 - But the trade-off is not worth it IMHO

Legal maintenance

- Hard problem, but CLA is rarely the answer.
- If you deeply care for a project, think carefully about the legal structure that will handle it, foundations look like a good idea, esp non-profits
- Companies can give a lot to projects, but they can change plans or simply disappear. Try to avoid getting in legal limbo when they disappear.
- Personal copyright within the Samba project, how does it work and why it is not painful.

Copyleft and parasites

- One weakness of free software licenses are parasites.
- Parasites are not exclusive domain of permissive licenses.
- GPL distributed software can easily have parasites.
- A trademark and related policy may be a good tool to keep parasites at bay ?

Thanks!

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