



qLegal
The small print for BIG IDEAS

Open Source Software

Collaborations Workshop 2016

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@qLegal_

- ✓ What legal protection is available for software?
- ✓ What is public domain?
- ✓ The Free Software and the Open Source Definitions. What are these and what is the difference?
- ✓ What license do I need to use OSS and to allow others to use my OSS?
- ✓ What is the liability of OSS developer?

Intellectual Property (IP) Rights in Software Regulation



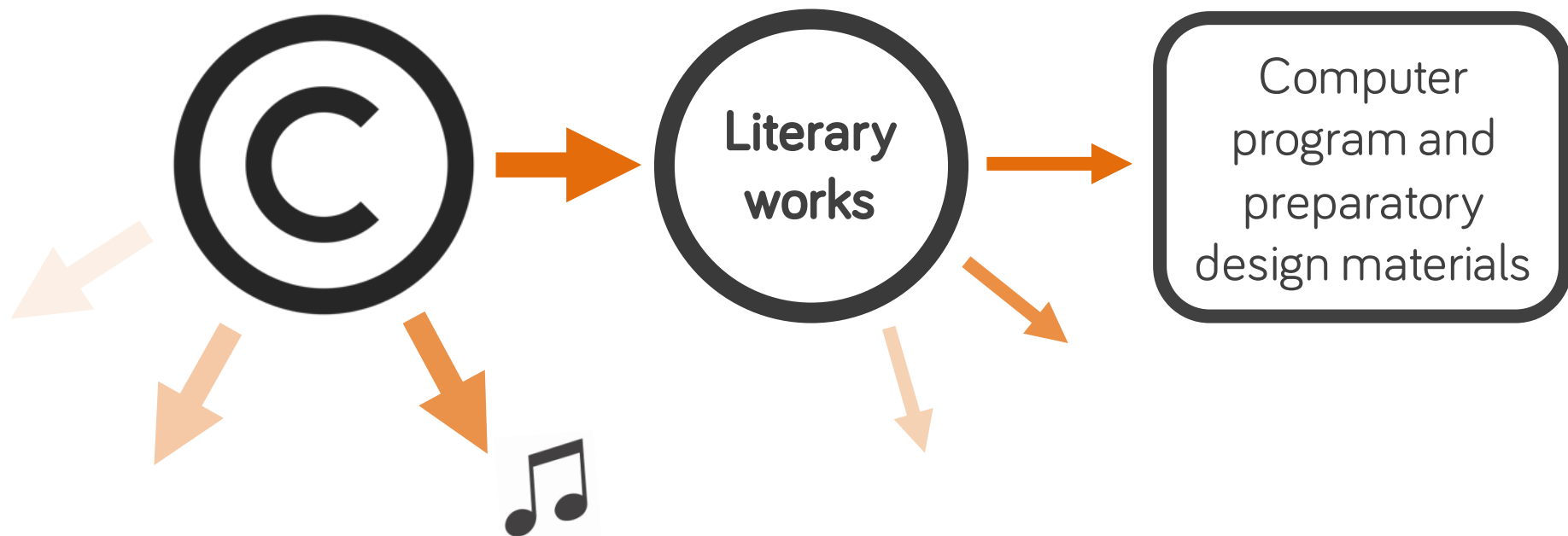
Copyright, Designs and
Patents Act 1988



Software Directive
(2009/24/EC)

IP Rights in Software

Copyright protection



IP Rights in Software

Public Domain



Open source software must be licensed.

Free Software and Open Source

Definitions

The Free Software
Definition

4 freedoms



The Open Source
Definition

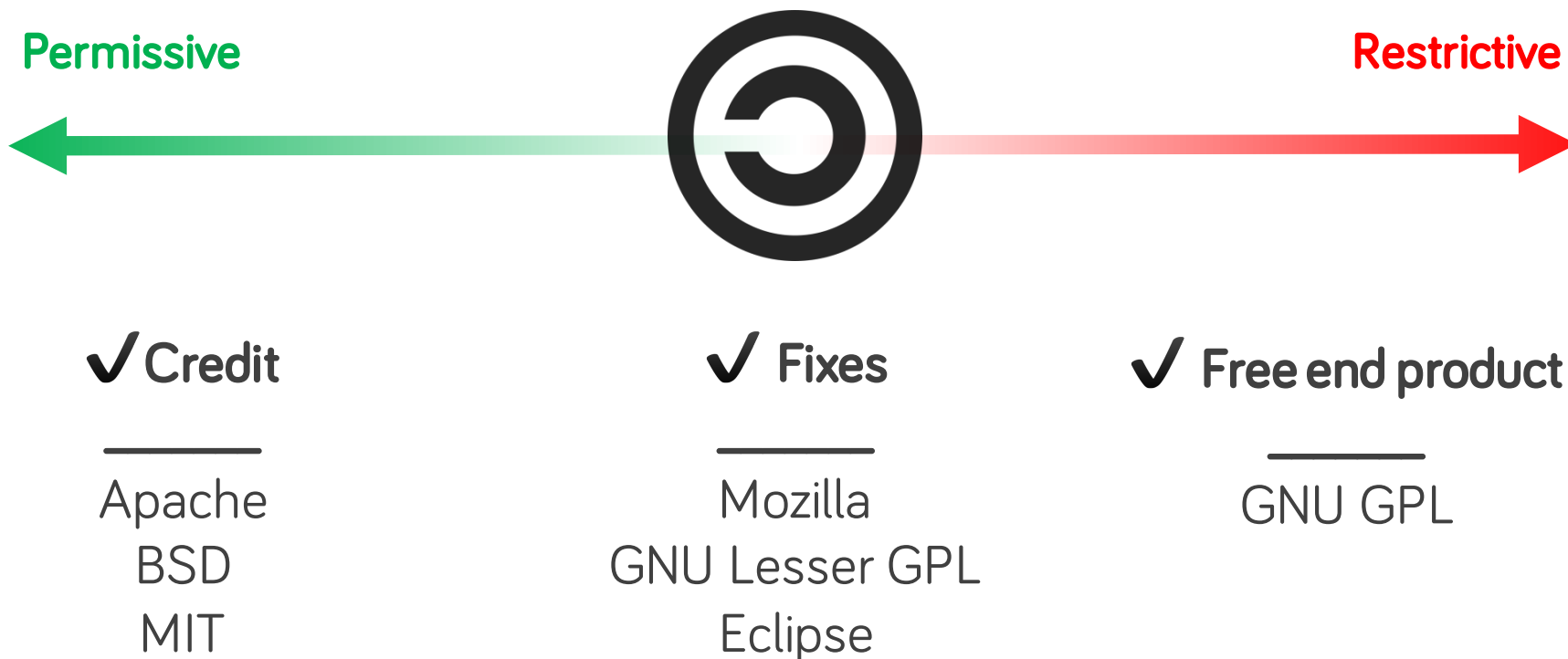
10 rules



Open Source Initiative

Open Source Software (OSS) Licences

Spectrum



OSS Licences

Top 10 most common



Rank	License	%
1.	MIT License	26%
2.	GNU General Public License (GPL) 2.0	21%
3.	Apache License 2.0	16%
4.	GNU General Public License (GPL) 3.0	9%
5.	BSD License 2.0 (3-clause, New or Revised) License	6%
6.	GNU Lesser General Public License (LGPL) 2.1	4%
7.	Artistic License (Perl)	4%
8.	GNU Lesser General Public License (LGPL) 3.0	2%
9.	Microsoft Public License	2%
10.	Eclipse Public License (EPL)	2%

OSS Licences

Developer's Liability Overview (Examples)



Apache 2.0

Sections 7 and 8: The OSS is provided "as is" without any warranties or conditions of any kind. A wide disclaimer of liability liability for any losses incurred by the licensee.

Section 9: A licensor may charge a fee to accept certain liabilities in respect of the OSS. In which case the licensor must indemnify all contributors to the OSS against any claims brought against them.



GNU General Public License Version 3 (GPLv3)

Sections 15 and 16: Broad disclaimer of warranty and limitation of liability. A warranty or liability may be accepted in return for a fee.

OSS Licences

Developer's Liability Disclaimer (Example)



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Takeaways

- ✓ Software can be protected by copyright.
- ✓ Copyright protection is granted to eligible works upon their creation.
- ✓ Be mindful of who the copyright originates with.
- ✓ OSS must be licensed.
- ✓ Manage the OSS you use to avoid liability of copyright infringement.
- ✓ There is no such thing as “the best” OSS license. Choose a license which best suits your goals in each case!
- ✓ Good places to start:
 - Open Source Initiative: [List of Approved OSS Licenses](#).
 - OSS Watch: [License Differentiator](#)



QUESTIONS



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THANK YOU!

Get in touch

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