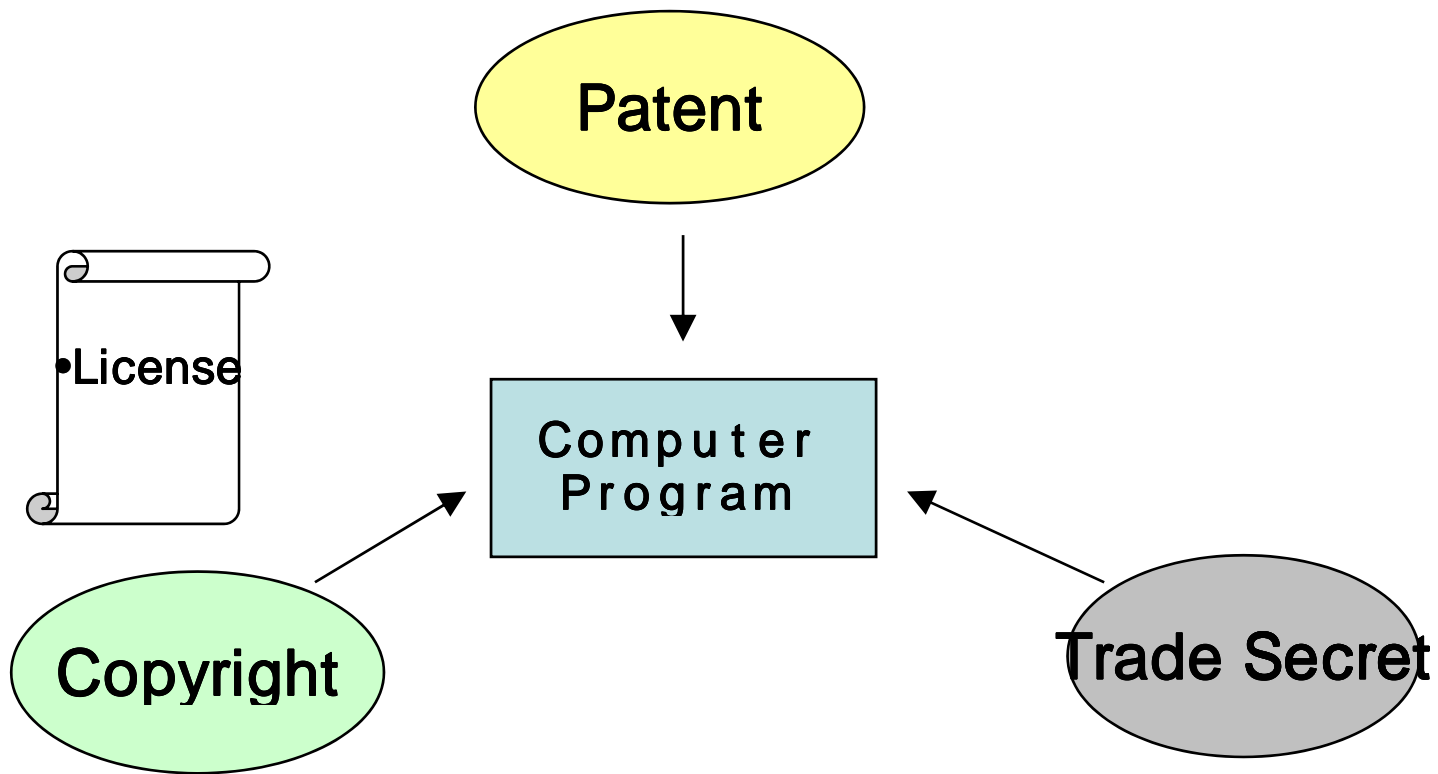




iwillbe@chol.com
www.jayyoon.com



	50	20	
		’ 가 ’	’
	(exploit)		’

- “ , 4 —
- 2000. 12. 31. 3902
- 45
- “ .”

Copyright approach

source code, object code, os

program language, rule(interface,
protocol), algorithm

⋮ , ,

⋮ , , , ,
,

- 가
-

- 15 ()
- cf)
- 16 ()
- 17 () : License

Sales of Copy

first sale doctrine except rentals
restricted by license

(License)

-

Licensor Licensee

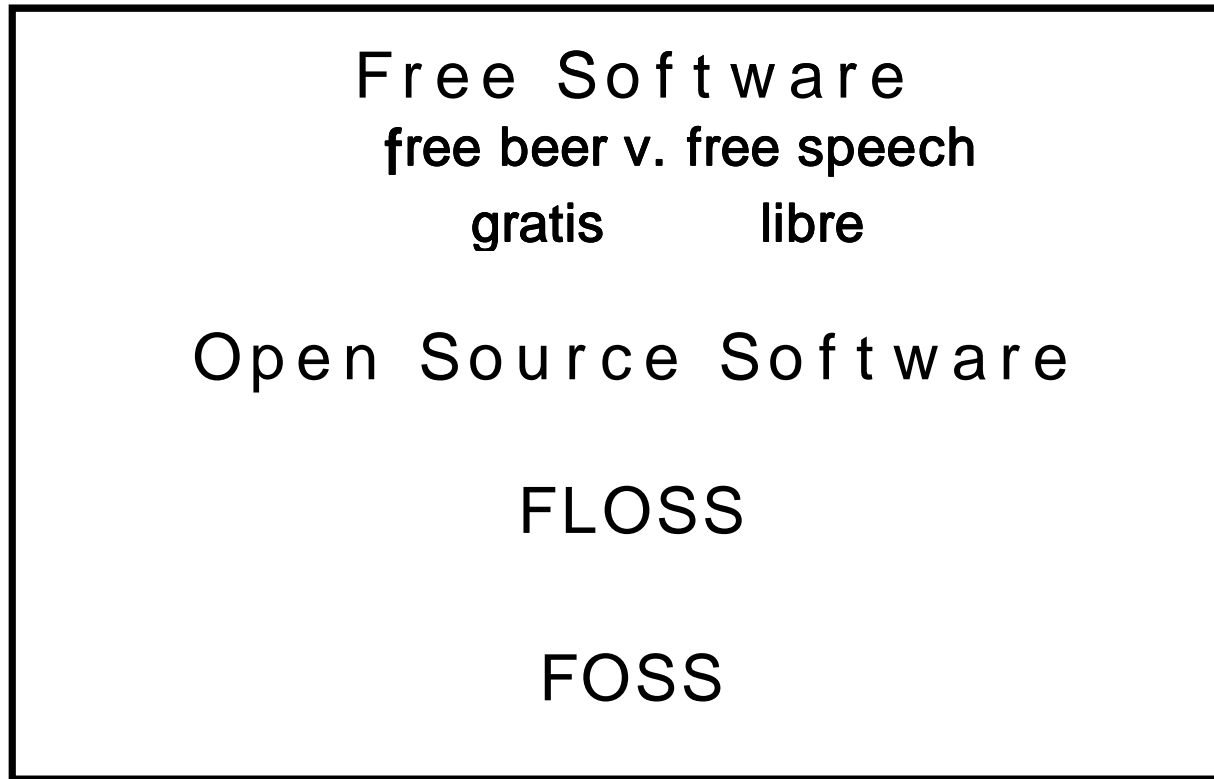
(Contract)

License :

18 ()

- Closed License and Open License

New Software ?



Copyright \Rightarrow License \Leftarrow Contract

↑



Free Software

- Free Software Foundation
by Richard Stallman in 1985
“to give freedom to computer users by replacing
proprietary software with free software”
 - Free Software Definition by FSF
 - (freedom 0)
 - (freedom 1)
 - (freedom 2)
 - (freedom 3)
- Source code for freedom 1, 2, 3



Open Source Software

- Open Source Initiative
by Eric Raymond, Bruce Perens in 1998
“development method for software the harness the power of distributed peer review and transparency of process”
- Open Source Definition by OSI
 - Free Redistribution
 - Source Code
 - Derived Works – must allowed them to be distributed under the same terms
 - Integrity of the Author’s Source Code
 - No Discrimination against Persons or Groups
 - No Discrimination against Fields of Endeavor
 - Distribution of License
 - License must not be specific to a product
 - License must not restrict other software
 - License must be technology neutral



Debian Project

- Volunteer Organization
Debian GNU/Linux, one of 300 Linux distributions
by Ian Murdock in 1993, Bruce Perens
more than a thousand developers
official mailing lists and IRC
Package Management System
about 18,000 packages
Supported by Software in the Public Interest
- Three foundational documents
Debian Social Contract
Debian Free Software Guideline
Debian Constitution
- Debian Free Software Guideline
→ Open Source Definition

FOSS License



enforced by Copyright and Contract
open approach
some rights reserved
at a time
royalty-freedom use
distribution in modified or unmodified form
available with source code
applying to future generation of the software
attribution



copyleft
patent clause
non endorsement

Free...

FSF

- Release GNU GPL
GNU Lesser GPL
- Approve other Free Software License
GPL Compatible
GPL Incompatible
- List of Non Free Software License

FSF

- GNU GPL

but , ,

but Copyleft

but

- GNU Lesser GPL

GNU GPL v.3

- Tivoization
- DRM
- No prohibition, No protection
- (Contributor)
(Patent retaliation)
- Source code -> **web service issue**
- (Compatibility)
- Affero GPL
- Propagate, convey

Open Source License

- 2007. 9. 18.

60 licenses approved by OSI

- Open Source License

≡

Free Software License

Modified BSD License

- Permissive Free Software Licences
Attribution-only license
Works based on the material may even be released under a proprietary license
- Similar to MIT License except non endorsement
- Compatible with GPL
- A lot of code licensed by BSD in MS, Mac OS X.

MIT License

- By MIT
- Similar to the modified BSD License
Except No Endorsement
- Compatible with GPL
- Ruby on Rails, Expat, PuTTY, X Window System

Apache License v2

- By Apache Software Foundation
- FOSS Proprietary Software
- Grant of Patent License
compatible with only GPL v3
- Not Copyleft

MPL License

- Hybridization of the modified BSD License and GNU GPL
- weak Copyleft
- Incompatible with GNU GPL unless the provision in section 13(multiple license) of the MPL is exercised
- Patent Clause
- Mozilla Application Suite, Mozilla Firefox, Mozilla Thunderbird, Adobe's Flex, OpenSolaris

Hybrid Licensing

- Dual Licensing
FOSS licensing with Proprietary licensing
Business model
MySQL, Trolltec Qt
good for components for other software
- For Compatibility
Mozilla firefox
- MS's Shared Source Initiative

Legal Validity Issue

- Legal Validity (Contract)
such as shrink wrap license
open license → more valid

가 GPL

가

Since the GPL is a copyright license, the copyright holders of the software are the ones who have the power to enforce the GPL.

3

?

- “If you see a violation of the GPL, you should inform the developers of the GPL-covered software involved.”
- Can third parties regard them licensed under GPL?
- Can third parties deny the qualification for trade secret?

Exemption Clause Issue

- Terms not individually negotiated
→ **possibly regulated by
Contract Clauses Act**
- Inequality of bargaining power?
**“Warranty claims by consumers who paid
nothing for the software could cripple small
developers”**
- Contract Clauses Act
article 30 ‘Noncommercial Contract’



**This work is licensed under Creative Commons Korea
Attribution 2.0 License
(<http://creativecommons.org/licenses/by/2.0/kr/deed.kr>).**