Open Source Licensing in the Mobile Industry

European Open Source & Free Software Legal Event, 9 December 2009

Martin Månsson (Technology Licensing, CTO)

ST ERICSSON

A GLOBAL LEADER IN WIRELESS TECHNOLOGIES

Leading global supplier of platforms and semiconductors for wireless devices

Unique heritage coming from leading players in the wireless semiconductor industry

A Joint Venture owned equally by STMicroelectronics and Ericsson

- Headquartered in Geneva, Switzerland with main operations in China, France, Japan, Korea, Sweden

- More than 85% R&D employees

- 2008 Proforma Sales of about $3.6B

9 December 2009

ST ERICSSON

AGENDA

- GPL v 3 hesitance in the Mobile Industry

- Android and open source licensing

- Patent aspects

- Handling of source and notice requirements (if time permits)

9 December 2009

ST ERICSSON

GPL v 3 AND ANTI-TIVOIZATION

- GPL v 2 and Tivoization

- GPL v 3 and its anti-tivoization provision (art 6)

    - "User Products" – limited to consumer products

    - For covered works conveyed with "User Product" you must

        - Provide Corresponding Source

        - Provide Installation Information

        - Ensure that the User Product continues to function regardless of modifications

    - Does not apply if: "materially and adversely effects" network operation or violate communication protocols

9 December 2009

GPL v 3 HESITANCE IN MOBILE INDUSTRY

- Track record so far

  - Scanning of published source code for some popular cell phones

- Why GPL v 3 hesitance in the mobile industry?

  - Warranty & Support aspect

  - Modem side protection

  - Other possible reasons

- New devices with root access on application side

- U-boot example – move to GPL v 3?

9 December 2009

ANDROID AND OPEN SOURCE LICENSING

- Android open source licenses: Apache v2, BSD and other permissive licenses

- Limited number of GPL/LGPL components within Android:

    - WebKit (LGPL) , Alsa (LGPL), BlueZ (GPL)

- Many common copyleft components replaced

    - Glibc (LGPL), Gstreamer (LGPL), Busybox (GPL)

- Possible motives for Android license choice

- Negative effects of Android license choice

- Comparison Android – Nokia Maemo

- Comparison Android Open Source Project – Kernel.org

- Replicant project

9 December 2009

PATENT ASPECTS

- Patents and the mobile industry

  - Essential Patents and Standards in the mobile industry

  - FRAND terms for licensing of essential patents

- Scope of patent license depend on type of FOSS license:

  - Explicit patent license

  - Implicit patent license

  - No patent license

- Scope of patent license depend on type of delivery:

  - Distribution of unmodified open source code

  - Distribution of distributors' modifications/additions

  - Contribution according to specific contribution agreements (Android, Symbian etc)

9 December 2009

ST ERICSSON

PATENT ASPECTS, CONT

- Contributions to communities through subcontractors or independent forums

- Two main parts of cell phones:

  - Application side: Much open source software (Linux, Symbian etc)

  - Modem side: Proprietary RTOS

- Open Source components on the modem side?

ST ERICSSON

SOURCE & NOTICE REQUIREMENTS

- Source Requirement

  - GPL/LGPL: Written offer for source or direct source distribution

- Notice Requirement:

  - Most FOSS licenses

- Fulfillment of source requirement:

  - Public web sites - examples

  - Delayed response?

  - OTA (Over-the Air) deliveries

- Fulfillment of notice requirements:

  - About page on the device

  - Fulfillment directly in the source code?

  - PDF file on public web site

9 December 2009

QUESTIONS?

THANK YOU