distribution

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distribution

- *freedom 2: "The freedom to redistribute copies … "*

- *freedom 3: "The freedom to … release your improvements (and modified versions in general) to the public.*

3 questions

- legal uncertainty
  - "Public communication" (US/EU wording)
  - Copyleft obligations (when is a distribution not a distribution?)
- ASP loophole
  - Remote services: no distribution for copyleft

tangible and intangible distribution

- distribution
  - *the transfer of a copy of the work <u>in tangible form</u>*

- public communication
  - *the making available to the public …. in such a way that members of the public may access them from a place and at a time individually chosen by them*

license wording… 1980s

- BSD, MIT, Apache, GPLv2
  - You may copy and distribute …
  - Redistribution …is permitted
  - Permission is hereby granted … to distribute ….copies of the Software

license wording …2000s

- ## OSLv3, GPLv3, EUPL 1.1
  - a license… to distribute or communicate copies of the Original Work and Derivative Works to the public
  - to "propagate" a work
  - a right to… communicate to the public … distribute the Work

copyleft obligations

When is distribution not a distribution… or when *should* distribution not be a distribution?

- GPLv2 terms on "distribution"
  - Use the same license
  - Provide source code
- inadvertant distributions
  - Contractors
  - Mergers/acquisitions
  - Sales

copyleft obligations

- solutions – draw a clear line
  - "You"/"Licensee" = you and corporate entity / controlled or managed entities
  - GPLv3: no propagation for contractors

ASP loophole

- cloud computing – remote network access to software functionalities
  - No distribution
  - Users don't have access to code under free software license
  - Loss of *copyleft* pooling effect

ASP loophole

- ## ASP licenses
  - OSL v3: network use is an "external deployment" and thus distribution
  - Affero GPL: remote network interaction
  - EUPL: providing access to essential functionalities

conclusions

- some issues over "distribution"

- greater certainty established by latest version of licenses

→ use the latest licenses!
  - GPLv3
  - EUPL 1.1
  - OSLv3
  - CPL

thanks

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