The Licensing Assistant

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The problem

Licence proliferation increase **compatibility issues**, constraining the ways in which developers could innovate by **combining** rather than merely **extending** Open Source software. (OSI report 2004)

Existing tools report what recipients can, cannot, and must:

- `choosealicense.com`
- `openaire.eu`
- `clipol.org`
- `tldrlegal.com`
- ...

350 licence models (on SPDX)

1700 licences on Scancode (Next)

No tool focuses on compatibility issues

No tool provides content-based licence selection

No tool provides easy licence comparison
Combining software is depending on…

**Compatibility** = Merging

the permission to merge source code covered by various licences in order to create a bigger work, and to distribute this work globally under a single « *secondary licence* »

**Interoperability** = Linking

defined by EC Directive 91/250 as the ability to exchange/use information, for which the *reproduction of interfaces* defined as "the parts of the program which provide for interconnection and interaction between elements of software" is authorised as a *copyright exception* to the author's exclusive rights.

A selection/comparison tool should extend its selection taxonomy

- **Can**
- **Cannot**
- **Must**

**Compatible**

*How far licence deals with compatibility and interoperability*

**Law**

*Applicable law*

**Support**

*Approval (OSI, FSF) and community support*
Joinup Licensing Assistant (JLA) categorisation, with contextual help

**Select licence terms below**

<table>
<thead>
<tr>
<th>Can</th>
<th>Must</th>
<th>Cannot</th>
<th>Compatible</th>
<th>Law</th>
<th>Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use/reproduce</td>
<td>Incl. Copyright</td>
<td>Hold liable</td>
<td>None N/A</td>
<td>EU/MS law</td>
<td>Strong Community</td>
</tr>
<tr>
<td>Distribute</td>
<td>Royalty free</td>
<td>Use trademark</td>
<td>Permissive</td>
<td>US law</td>
<td>Governments/EU</td>
</tr>
<tr>
<td>Modify/merge</td>
<td>State changes</td>
<td>Commerce</td>
<td>GPL</td>
<td>Licensor's law</td>
<td>OSI approved</td>
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<tr>
<td>Sublicense</td>
<td>Disclose source</td>
<td>Modify</td>
<td>Other copyleft</td>
<td>Other law</td>
<td>FSF Free/Libre</td>
</tr>
<tr>
<td>Commercial use</td>
<td>Copyleft/Share a.</td>
<td>Ethical clauses</td>
<td>Linking freedom</td>
<td>Not fixed/local</td>
<td></td>
</tr>
<tr>
<td>Use patents</td>
<td>Lesser copyleft</td>
<td>Pub sector only</td>
<td>Multilingual</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Place warranty</td>
<td>SaaS/network</td>
<td>Sublicence</td>
<td>For data</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Include licence</td>
<td></td>
<td>For software</td>
<td></td>
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</tr>
</tbody>
</table>

**or enter licence SPDX identifier**

SPDX id

51 licences found

*Linking for interoperability with other software has no impact on the licensing conditions of the other software*
Content-based selection, on multiple criteria

JLA enables copyright owners to quickly identify suitable licences based on their content and specificities.

A common tool including the most used licences

Multiple criteria selection or SPDX id

Direct link to licence text in SPDX repository

Specific licence information
**JLA Licence comparison**

- **Compare up to 5 licences**
- **View comparison results side-by-side**

### Comparison Table

#### AFS-3.0 (Academic Free License v4.0)
- **Can**
  - Use/reproduce
  - Modify
  - Sublicense
  - Commercial use
  - Use patents
  - Place warranty
- **Must**
  - Incl. Copyright
  - Royalty free
  - Source changes
  - Disclose source
  - Copy/Share
  - Lesser copyleft
  - SaaS/network
  - Include licence
  - Retain licence
- **Cannot**
  - Hold liable
  - Use trademark
  - Commerse
  - Modify
  - Ethical clause
  - Pub sector only
  - Sublicense

#### Apache-2.0 (Apache License, Version 2.0)
- **Can**
  - Use/reproduce
  - Modify
  - Sublicense
  - Commercial use
  - Use patents
  - Place warranty
- **Must**
  - Incl. Copyright
  - Royalty free
  - Source changes
  - Disclose source
  - Copy/Share
  - Lesser copyleft
  - SaaS/network
  - Include licence
  - Retain licence
- **Cannot**
  - Hold liable
  - Use trademark
  - Commerse
  - Modify
  - Ethical clause
  - Pub sector only
  - Sublicense
Joinup Licensing Assistant's NEW Compatibility Checker

INBOUND for what you “use”
OUTBOUND for what you “distribute”

**Verify** they are compatible licences

**Identify** suitable licence combinations

**Tackle** the requirements imposed by each licence

### JLA Compatibility checker

<table>
<thead>
<tr>
<th>Licence</th>
<th>Description</th>
<th>Inbound</th>
<th>Outbound</th>
<th>Check compatibility</th>
<th>Licence Text</th>
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<tbody>
<tr>
<td>AFL-3.0</td>
<td>Academic Free License v3.0</td>
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<td>BSD Zero Clause License</td>
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<td>BSD 2-Clause &quot;Simplified&quot; License</td>
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<td>BSD 3-Clause Clear License</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BSD-3-Clause</td>
<td>BSD 3-Clause &quot;New&quot; or &quot;Revised&quot; license</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
Compatibility between the GNU Affero General Public License v3.0 (inbound licence) and the European Union Public Licence 1.2 (outbound licence).

Compatibility is depending on the type of "Use".
- Private or internal use is never restricted by any open licence and the resulting combined work does not need specific licensing, as soon it is not distributed to third parties.
- In case the two components are not merged, but used according their normal usage instructions and distributed together to third parties (i.e., on the same media or distribution), each component - even modified - keeps its primary licence: inbound licence or outbound licence.
- In case the two components are linked for ensuring their interoperability, for example APIs or data structures for exchanging parameters are copied/reproduced from one program to the other, the European Law states that, by exception to strict copyright rules, such reproduction can be done without obtaining the right holder permission or licence, provide this linking is compatible with a normal exploitation of the programs and does not conflict the legitimate interest of copyright holder. This is resulting from Directive 91/250 recitals 10 and 15 invoking a copyright exception for making interoperable two components from various providers. Therefore, since the European law is applicable to the EUPL the hypothetical risk of 'viral effect' from inbound licence to outbound licence in the case of dynamic or even static linking is not to consider.
- In case significant parts of the source code covered by the inbound licence have been merged / integrated with code covered by the outbound licence, the outbound licence authorize distribution of the whole combined work under the inbound licence. This is applicable to this new combined work only (a derivative or "forking" from both source codes, which is a specific project with a specific name), and this is not a relicensing (changing the licence) of the original code covered by the EUPL.
Compatibility between the GNU Affero General Public License v3.0 (inbound licence) and the European Union Public Licence 1.2 (outbound licence).

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AGPL-3.0-only GNU Affero General Public License v3.0
- Inbound
- Outbound

EUPL-1.2 European Union Public Licence 1.2
- Inbound
- Outbound
JLA is FREE/OPEN SOURCE and will be improved

The tool (V 1.0) is not yet perfect.

Taxonomy and analysis will be improved

Original EC source code, on GitHub under EUPL

All comments will be considered

Please take a tour...
ISA² programme
You click, we link
✓ Joinup

Want to know more?

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https://joinup.ec.europa.eu/

Stay tuned
@Joinup_eu
Joinup Group

Contact us
https://joinup.ec.europa.eu/contact

Run by the Interoperability Unit at DIGIT (European Commission) with 131€M budget, the ISA² programme provides public administrations, businesses and citizens with specifications and standards, software and services to reduce administrative burdens.
Any questions?
Thank you

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