joinup

The **Licensing** Assistant

EUROPEAN COMMISSION Directorate General for Informatics – DG DIGIT D2
Project Officers: Elena-Cristina COSMA & Victoria KALOGIROU

Patrice-Emmanuel SCHMITZ
Joinup Legal Advisor
Trasys international

EOLE 2021

Paris, 17 March 2021

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 | 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	

+
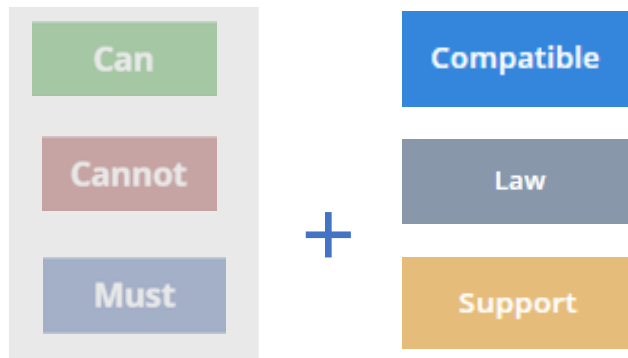
Compatible	*How far licence deals with compatibility and interoperability*
Law	*Applicable law*
Support	*Approval (OSI, FSF) and community support*

Joinup Licensing Assistant (JLA) categorisation, with contextual help

Select licence terms below

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

Linking for interoperability with other software has no impact on the licensing conditions of the other software

or enter licence SPDX identifier   SPDX id

RESET

51 licences found

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

Can	Apache-2.0 ⓘ	EPL-2.0 ⓘ	GPL-3.0-only ⓘ	EUPL-1.2 ⓘ	
Use/reproduce	✓	✓	✓	✓	
Distribute	✓	✓	✓	✓	
Modify/merge	✓	✓	✓	✓	
Sublicense	✓	✓		✓	
Commercial use	✓	✓	✓	✓	
Use patents	✓	✓	✓	✓	
Place warranty	✓		✓	✓	

Must	Apache-2.0 ⓘ	EPL-2.0 ⓘ	GPL-3.0-only ⓘ	EUPL-1.2 ⓘ	
Incl. Copyright	✓	✓	✓	✓	
Royalty free		✓		✓	
State changes	✓		✓		
Disclose source	✓	✓	✓	✓	
Copyleft/Share a.		✓	✓	✓	
Lesser copyleft					
SaaS/network				✓	
Include licence	✓	✓		✓	
Rename modifs.					

Cannot	Apache-2.0 ⓘ	EPL-2.0 ⓘ	GPL-3.0-only ⓘ	EUPL-1.2 ⓘ	
Hold liable	✓	✓	✓	✓	
Use trademark	✓	✓	✓	✓	
Commerce					
Modify					
Ethical clauses					
Pub sector only					
Sublicence					

JLA Compatibility checker

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

INBOUND
for what you
"*use*"

OUTBOUND
for what you
"*distribute*"

🖳 AGPL-3.0-only	GNU Affero General Public License v3.0	⦿ Inbound ○ Outbound	Check compatibility	Licence Text
🖳 EUPL-1.2	European Union Public Licence 1.2	○ Inbound ⦿ Outbound	Check compatibility	Licence Text

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 hypothetic 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 authorise 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.

JLA Compatibility checker

AGPL-3.0-only   GNU Affero General Public License v3.0   ● Inbound ○ Outbound   Check compatibility   Licence Text

EUPL-1.2   European Union Public Licence 1.2   ○ Inbound ● Outbound   Check compatibility   Licence Text

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 ~~...~~

not distributed to third parties.

- In case the two components ~~...~~

(i.e. on the ~~...~~

Disclaimer:
The above information results from the Joinup Licensing Assistant expert system, based on the current Joinup knowledge base. It is not an opinion of the European Commission, neither a legal advice from a practicing lawyer. The recipient is responsible for the use made of the above information and for contacting a specialized lawyer if appropriate.

~~...~~ compatible with a normal ~~...~~. This is resulting from Directive 91/250 recitals ~~...~~ components from various providers. Therefore, since the European ~~...~~ effect" from inbound licence to outbound licence in the case of dynamic or even ~~...~~ parts of the source code covered by the inbound licence have been merged / integrated with code covered by the outbound licence, the outbound licence authorise 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.

JLA is FREE/OPEN SOURCE and will be improved

The tool (V 1.0) is not yet perfect.

Tawonomy and analysis will be improved

Original EC source code, on GitHub under EUPL

All comments will be considered

Please take a tour...

Want to learn more?

Let's stay connected community

– Join the EUPL

ISA² programme
You click, we link
✓ Joinup

Want to know more?

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

Stay tuned
🐦 **@Joinup_eu**
in **Joinup Group**

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

Joinup
Share and reuse
interoperability solutions

ISA² programme
Interoperability Solutions
for European Public Administrations,
Businesses and Citizens

Catalogue of solutions
Best practices
Federations of national repositories
Open source software
Communities of experts
Sharing & Reuse

0100001
1110010
1010011
0100001

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.

European Commission

Q&A

Any questions?

Thank you

European Commission