

# International Symposium

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# Legal Issues

# OSS Licensing

**Alex Pastukhov**  
B.A., LL.M., MPhil

# Intellectual Property

- Not really a property, a bunch of exclusive rights
- Types of IP
  - industrial property (inventions, designs, TMs);
  - cultural/artistic property (copyright, related/neighborhood rights).

# Software as IP subject matter

- Copyright Law: code - literary work, interface – pictorial work (look-and-feel)
- Patent Law: Computer-implemented invention
- TM Law: Producer's and product's brand
- Trade secrets
- Unfair competition
- *Sui generis* protection

# Software: Copyright v. Patent

- The idea/expression dichotomy
- Disclosure
- Formalities
- Terms of protection
- Legal costs
- International coverage

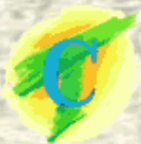
# License

- Permission to use others' IP
- Promise not to sue
- Explicit or implicit (shrink-wrap or click-through)
- Not a sale – the first sale doctrine is not applicable
- Open source v. public domain



# OSS Licenses

- Free (not as in ‘free beer’) v. OSS
- Freedom to
  - run;
  - modify;
  - redistribute;
  - distribute modified versions.
- Copyleft: Keeping software free.
- No warranties, indemnity.



# Specific OSS Licenses

- Reciprocal
  - GPL (authored by Stallman, the ‘freest’, viral);
  - MPL (authored by lawyer, Netscape TMs);
  - LGPL (Library GPL);
  - EUPL (5 compatible licenses).
- Academic
  - BSD (the simplest, notice);
  - Apache ( sublicense, patent license, Apache TMs).



# Conclusion

- Proprietary
  - quality guaranteed;
  - price discrimination possible;
  - legal protection and DRM for end product.
- Open source
  - Free (as in ‘free beer’);
  - Reliance on community for support and bug fixing.
- Your business model is decisive.

# Thank you!



## Questions? Observations?

[oleksandr.pastukhov@law.kuleuven.be](mailto:oleksandr.pastukhov@law.kuleuven.be)