



KDE: New Legal Grounds

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Who is this guy?



- KDE contributor since 1999
- KDE e.V. board since 2006
- NLUUG board since 2008
- FSFE's FTF Coordinator 2009
- Not a Lawyer
- Father of two kids
- Likes hoes and rows of potatoes



What is this talk?



- Why do we need legal stuff anyway?
- Copyrights
- Trademarks
- Patents
- Oh my! (or, how you can help)



Why do we need legal stuff anyway?



Simple answer: because we live in the world we live in.



Copyright

- Software is intellectual work
- Considered creative work



Trademarks

- Software is recognizable
- “KDE is ours”



Patents

- Software solves problems
- Innovation worth fostering



Governance

- How do we work together normally
- How do we work together in adversity
- Who does what to whom
- Who owns stuff



- How KDE does it
- Pros and cons
- Things to improve



- Distributed copyright
(held by individual contributors)
- Little oversight
(no sign-off or contribution policy)
- Clear license policy
(one of the fixed set of allowed terms)
- Assignment is possible
(preferably to KDE e.V.)



Constant Vigilance!

```
<one line to give the program's name and a brief idea of what it does.>  
Copyright (C) <year> <name of author>  
This program is free software: you can redistribute it and/or modify  
it under the terms of the GNU General Public License as published by  
the Free Software Foundation, either version 3 of the License, or  
(at your option) any later version.
```

Should know better!

```
This file is part of the KDE project  
Copyright (C) 2007 ...  
This library is free software; you can redistribute it and/or  
modify it under the terms of the GNU Library General Public  
License version 2 or version 3 as published by the Free Software  
Foundation.
```



What needs doing

- Refining the license-checking tool
- Watching over compatibility
- Keeping up with the discussion of the license policy
- Education



Aside: the license policy

- Preserve KDE as Free Software
- Encourage people to contribute
- Ensure easy updates to license
- Encourage adoption by corporations



- Exist once you trade with a name
- Convoluted regulation
- Something to protect and preserve



- KDE is very weak in protection
- KDE grants broad usage to its trademarks
- KDE trademark policy is fuzzy
- Need to consider the word mark and the artwork
- KDE has a registered trademark of limited scope



What needs doing

- Remember who owns the KDE trademark
- Establish trademark early
- Respect the marks of others
- Hand off trademark issues to the experts



Aieeeeeeee!

Run away! Run away!



Patents are limited-time monopolies for technical innovations granted in exchange for publication.



- KDE ignores patents
- KDE doesn't claim patents
- KDE has been contacted regarding patents
- KDE developers worry about patents



- Ignorance is not bliss
- Passing off risks to downstream is irresponsible
- Responsibility has costs

Andrew Tridgell has a detailed and careful analysis for how to deal with patents.



What needs doing

- Have processes in place
- Understand how to cooperate around patents
- Better publication and creation of prior art



New Legal Grounds



Open Invention Network

Holding company, founded by large technology players (e.g. IBM), formed to promote Linux by leveraging patents to create a collaborative environment.

OIN Licensees

vim, GNOME; Oracle; Canonical, Kolab Systems, Bacula.



License Agreement

OIN grants patent license to licensee

- All OIN patents and applications for all products

Licensee grants patent license to OIN

- All licensee patents and applications for the Linux System

Licensee grants license to other current and future licensees

- All licensee patents and applications for the Linux System



- Working *inside* the patent system
- Cross-licensing scheme
- Increased publicity and prior art

What needs doing

KDE e.V. might join this week.



Copyright Holders

- Decentralized rights
- KDE FLA as an option
 - Individual copyright assignment
 - Reverts in case of evil
 - Optional
 - Signed by several dozen core contributors
 - Signed by several companies
 - Refused by some others



Project Harmony

No, not *that* one...



Project Harmony

Its (Project Harmony's) initial goal is to avoid proliferation in contribution agreements across FOSS software projects where those organisations chose to work with contribution agreements.

Current Assignment Agreements

FSFE FLA; KDE e.V. FLA; FSF assignment; Canonical.



Project Harmony is intended to *assist* organisations which use contribution agreements by providing standardised variable *templates* with clear and concise explanations; to come to a common understanding on these; and to recognise the relative maturity of FOSS by dealing with its internationalisation. Our goal is to make the process of contributing to FOSS projects easier for developers regardless of who their *employers* are. We believe that standardised contribution agreements should serve this goal.



What needs doing

- Reconsider the contribution model
- Consider what we want from companies
- Understand what companies want from us



The ground we stand on



- Individual rightsholders
- Clear licensing policy
- Cooperation with downstream
- Liberal trademark license
- Realization that we have to live with patents



Questions ?

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