

# A Guide to GPL Compliance for Software Engineers and Managers

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## GPL Compliance

- Not a new topic.
- FUD machine makes it seem mysterious.
- Let's clear up misconceptions.

## My Credentials

- Intimately involved with every major USA enforcement since 1999.
- At old employer, created first formalized GPL enforcement program in history.
- Helped found the three-person GPL enforcement team at SFLC.
- IANAL. (import std.disclaimer)

## Audience

This talk has material for two types of GPL redistributors.

## The Clueful: Constant Vigilance!

- Planning to begin incorporating FLOSS.
- Want to learn best practices.

## Clueless: Still Find Dilbert Relevant

- Don't read the GPL.
- Don't even look to see if GPL'd stuff is in their distribution.

## My Assumption

You are clueful, but you sometimes advise people who are clueless.

- Material in this talk is for both

## Two Ways of Examining Problem

- Clueful: Plan your development process to make GPL compliance easy.
- Clueless: Wait to get a letter from a GPL copyright holder.

## Clueful Route First

- Plan best practices to avoid violation.
- GPL software is here to stay.
- Design development, integration and acquisition to pre-handle it.

## Compliance-Friendly Development

- Use revision control ...
  - ... to pull in vendor branch.
  - ... to tag releases.
- Avoid “Build Guru” ...
  - ... by documenting build process.
  - ... and versioning it, too.
- Use Fossology!
  - <http://fossology.org/>

## Why Is Compliance Necessary?

- Binaries are modified versions of source.
- Modification controlled by copyright, thus by GPL.
- This separation is where nearly all violations occur.

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After all, what is binary distribution of software but a rudimentary form of DRM?

—Richard Fontana, during the GPLv3 process

## GPL Binary Requirements

(v2 § 3, v3 § 6)

- Four options:
  - Source alongside binary (v2/v3).
  - Offer for source (v2/v3).
  - Internet side-by-side distribution (v3).
  - Torrent distribution (v3).

## Source Alongside Binary

- Simplest option.
- **Obligations end at distribution time.**
- Physical media required.

## Offer For Source

- Useful if not shipping CD already.
- Lasts three years.
- Mail fulfillment required (not in v3).

## New v3 Options

- Pure Internet, both source and binary
  - was always tolerated under v2 anyway.
  - not possible for embedded systems.
- Torrents
  - Rarely used.

## Preparing Corresponding Source

(v2 § 3, v3 § 1)

- Make sure all sources are present.
  - revision system helps a lot here.
- Build scripts
  - rule of thumb:
  - make sure someone skilled in art can build it.

## When the Letter Comes

- Communication is key.
- Understand the termination provisions . . .

## Termination

(v2 § 4, v3 § 8)

- v2 is automatic and permanent.
- v3 has auto-reinstatement.
  - 60 day self-correction timeout
  - 30 day penalty-less after notice
- Usually, you need copyright holder to reinstate.

## Standard Requests to Expect

- Compliance on all FLOSS copyrights.
- Notification to past recipients.
- Appoint GPL Compliance Officer.
- Periodic compliance reports.

## Clueless: The Upstream Problem

When I said that I was king of forwards, you got to understand that I don't come up with this stuff. I just forward it along. You wouldn't arrest a guy who was just passing drugs from one guy to another.

—Michael Scott, *The Office*

## Don't be Michael Scott

- You are a distributor, just like your upstream is.
- You share the same obligations.
- Ask due diligence questions *before* buying.
- Require *them* to teach you to comply.
- Get indemnified!

## User Products

(v3 only, § 6)

- Much FUD about Installation Information for User Products.
- The implications are not unlike what is already true.
- Users can modify, voiding warranties.
- You must allow them to install; you don't have to support it.

## Derivative Works Discussion?

- Truth is, it rarely comes up in GPL enforcement.
- Never has a violator in my experience disputed our interpretation.
- Uses are primarily mundane; lines are clear.
- Anyway, in the dicey cases ...
  - ... a seasoned software copyright lawyer should study the facts.
  - ... the modifiers is already extremely sophisticated, anyway.

## More Info?

Paper on these issues will appear this week on: <http://www.softwarefreedom.org/resources>

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