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Don
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GPLv3 and Debian

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- **Historic Process**
 - Software in Debian under GPL
 - Free Software Community in General
- Important to Debian, and us individually
- Process, Review, Issues



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- Everyone
 - Make comments on the draft
 - Make suggestions on how to fix problems
 - Advise committees where appropriate



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Committee

- Five Committees
 - Distributions¹
 - Projects
 - Companies
 - Randoms²
 - International
- Identify issues from comments
- Steward issues, and make recommendations

¹Branden Robinson and Greg Pomerantz

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Richard M. Stallman (and friends)

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- Major changes
 - DRM Clause (§1 & §3)
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TiVo-ization

- Using DRM to block modification
 - Cryptographic keys in hardware employed
 - Software not signed by key doesn't get loaded
 - Complete Corresponding Source Code definition clarified to include these codes (§1)



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- **Explicit BSD Compatibility (§7a)**
- Different Warranty Disclaimer (§7b)
- Prohibit use of names/trademarks for publicity outside of fair use (§7c)
- Affero Compatibility (§7d)
- Software Retaliation compatibility (§7e)



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Affero Clause (§7d)

- ASP Business Model
- Compatibility with AGPL
- Currently Implemented as a Restriction on Modification



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Limited Patent Reciprocity Compatibility (§7e)

- Counterclaims against aggressors must be allowed
- Revokes aggressors who claim patent infringement in the covered work



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Other Minor Changes

- Removal of the Geographical Limitations
- Explicit indication that it's not a contract (§9)



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Open Issues

- Digital Rights Management
 - Treacherous Computing
 - Affero Clause (ASP loophole)
 - Possible change to be compliance with §6
 - Patents
 - GPL as Free Software



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DRM And Authentication

- Prevent TiVo-ization
- Require Keys necessary to update the device
- Appears to provide API keys and signing keys



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Disallowing Illegal Things

- No illegal invasions of user's privacy (§3)
- Connection to Sony DRM debacle
- Conflict with DFSG §6 (Anti- "no nuke clause")



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anti-DMCA Clause

- Notification that the work is not an effective method of copyright control (§3)
- Explicitly disallows the extra protection of the DMCA



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Affero Clause (The ASP Loophole)

- Currently written as a restriction on modification, with obvious issues
- May not be possible to implement and retain compliance with the DFSG at all
- Reasonable compromise may be to require non-private use (performance?) satisfy (§6)



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Patents

- Explicit patent grants (vs. Implicit)
- Patent Shielding
- Limited Patent Reciprocity



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Conclusion

- Participate
- Don't believe anything I've said; analyze it for yourself.
- Do it soon



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Preamble: Purpose

The licenses for most software are designed to take away your freedom to share and change it. By contrast, the GNU General Public License is intended to guarantee your freedom to share and change free software—to make sure the software is free for all its users. We, the Free Software Foundation, use the GNU General Public License for most of our software; it applies also to any other program whose authors commit to using it. (Some Free Software Foundation software is covered by the GNU Lesser General Public License instead.) You can apply it to your programs, too.



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Preamble: Freedom

When we speak of free software, we are referring to freedom, not price. Our General Public Licenses are designed to make sure that you have the freedom to distribute copies of free software (and charge for this service if you wish), that you receive source code or can get it if you want it, that you can change the software or use pieces of it in new free programs; and that you know you can do these things.



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Preamble: Requirements

To protect your rights, we need to make requirements that forbid anyone to deny you these rights or to ask you to surrender the rights. These restrictions translate to certain responsibilities for you if you distribute copies of the software, or if you modify it.



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Preamble: Giving Rights

For example, if you distribute copies of such a program, whether gratis or for a fee, you must give the recipients all the rights that you have. You must make sure that they, too, receive or can get the source code. And you must show them these terms so they know their rights.



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Preamble: Developer Protection

Developers that use the GNU GPL protect your rights with two steps: (1) assert copyright on the software, and (2) offer you this License which gives you legal permission to copy, distribute and/or modify the software.



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Preamble: No Warranty

For the developers' and author's protection, the GPL clearly explains that there is no warranty for this free software. If the software is modified by someone else and passed on, the GPL ensures that recipients are told that what they have is not the original, so that any problems introduced by others will not reflect on the original authors' reputations.



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Preamble: DRM Prohibition

Some countries have adopted laws prohibiting software that enables users to escape from Digital Restrictions Management. DRM is fundamentally incompatible with the purpose of the GPL, which is to protect users' freedom; therefore, the GPL ensures that the software it covers will neither be subject to, nor subject other works to, digital restrictions from which escape is forbidden.



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Preamble: Software Patents

Finally, every program is threatened constantly by software patents. We wish to avoid the special danger that redistributors of a free program will individually obtain patent licenses, in effect making the program proprietary. To prevent this, the GPL makes it clear that any patent must be licensed for everyone's free use or not licensed at all.



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Preamble: Terms follow

The precise terms and conditions for copying, distribution and modification follow.



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0. Definitions

A "licensed program" means any program or other work distributed under this License. The "Program" refers to any such program or work, and a "work based on the Program" means either the Program or any derivative work under copyright law: that is to say, a work containing the Program or a portion of it, either modified or unmodified. Throughout this License, the term "modification" includes, without limitation, translation and extension. A "covered work" means either the Program or any work based on the Program. Each licensee is addressed as "you".



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0. Definitions: Propagation

To "propagate" a work means doing anything with it that requires permission under applicable copyright law, other than executing it on a computer or making private modifications. This includes copying, distribution (with or without modification), sublicensing, and in some countries other activities as well.



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1. Source Code

1. Source Code.

The "source code" for a work means the preferred form of the work for making modifications to it. "Object code" means any non-source version of a work.



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1. Source Code: CCSC

The "Complete Corresponding Source Code" for a work in object code form means all the source code needed to understand, adapt, modify, compile, link, install, and run the work, excluding general-purpose tools used in performing those activities but which are not part of the work. For example, this includes any scripts used to control those activities, and any shared libraries and dynamically linked subprograms that the work is designed to require, such as by intimate data communication or control flow between those subprograms and other parts of the work, and interface definition files associated with the program source files.



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1. Source Code: CCSC (DRM)

Complete Corresponding Source Code also includes any encryption or authorization codes necessary to install and/or execute the source code of the work, perhaps modified by you, in the recommended or principal context of use, such that its functioning in all circumstances is identical to that of the work, except as altered by your modifications. It also includes any decryption codes necessary to access or unseal the work's output. Notwithstanding this, a code need not be included in cases where use of the work normally implies the user already has it.



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1. Source Code: CCSC (Autogen bits)

Complete Corresponding Source Code need not include anything that users can regenerate automatically from other parts of the Complete Corresponding Source Code.



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1. Source Code: OS Exemption

As a special exception, the Complete Corresponding Source Code need not include a particular subunit if (a) the identical subunit is normally included as an adjunct in the distribution of either a major essential component (kernel, window system, and so on) of the operating system on which the executable runs or a compiler used to produce the executable or an object code interpreter used to run it, and (b) the subunit (aside from possible incidental extensions) serves only to enable use of the work with that system component or compiler or interpreter, or to implement a widely used or standard interface, the implementation of which requires no patent license not already generally available for software under this License.



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2. Permissions

2. Basic Permissions.

All rights granted under this License are granted for the term of copyright on the Program, and are irrevocable provided the stated conditions are met. This License explicitly affirms your unlimited permission to run the Program. The output from running it is covered by this License only if the output, given its content, constitutes a work based on the Program. This License acknowledges your rights of "fair use" or other equivalent, as provided by copyright law.



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2. Permissions: Private Modification

This License gives unlimited permission to privately modify and run the Program, provided you do not bring suit for patent infringement against anyone for making, using or distributing their own works based on the Program.



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2. Permissions: Private Copying

Propagation of covered works is permitted without limitation provided it does not enable parties other than you to make or receive copies. Propagation which does enable them to do so is permitted, as "distribution", under the conditions of sections 4-6 below.



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3. DRM: Illegal Invasion

3. Digital Restrictions Management.

As a free software license, this License intrinsically disfavors technical attempts to restrict users' freedom to copy, modify, and share copyrighted works. Each of its provisions shall be interpreted in light of this specific declaration of the licensor's intent. Regardless of any other provision of this License, no permission is given to distribute covered works that illegally invade users' privacy, nor for modes of distribution that deny users that run covered works the full exercise of the legal rights granted by this License.



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3. DRM: Anti DMCA Clause

No covered work constitutes part of an effective technological protection measure: that is to say, distribution of a covered work as part of a system to generate or access certain data constitutes general permission at least for development, distribution and use, under this License, of other software capable of accessing the same data.



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4. Verbatim Copying

4.[1] Verbatim Copying.

You may copy and distribute verbatim copies of the Program's source code as you receive it, in any medium, provided that you conspicuously and appropriately publish on each copy an appropriate copyright notice; keep intact all license notices and notices of the absence of any warranty; give all recipients of the Program a copy of this License along with the Program; and obey any additional terms present on parts of the Program in accord with section 7.



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4. Verbatim Copying: Copy/Warranty for a fee

You may charge a fee for the physical act of transferring a copy, and you may at your option offer warranty protection for a fee.



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5. Distributing Modified Versions

5.[2] Distributing Modified Source Versions.

Having modified a copy of the Program under the conditions of section 2, thus forming a work based on the Program, you may copy and distribute such modifications or work in the form of source code under the terms of Section 4 above, provided that you also meet all of these conditions:



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5a: Prominent Notices

a) The modified work must carry prominent notices stating that you changed the work and the date of any change.



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5b: License applies to the whole work

b) You must license the entire modified work, as a whole, under this License to anyone who comes into possession of a copy. This License must apply, unmodified except as permitted by section 7 below, to the whole of the work. This License gives no permission to license the work in any other way, but it does not invalidate such permission if you have separately received it.



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5c: Appropriate Copyright Notice

c) If the modified work has interactive user interfaces, each must include a convenient feature that displays an appropriate copyright notice, and tells the user that there is no warranty for the program (or that you provide a warranty), that users may redistribute the modified work under these conditions, and how to view a copy of this License together with the central list (if any) of other terms in accord with section 7. If the interface presents a list of user commands or options, such as a menu, a command to display this information must be prominent in the list. Otherwise, the modified work must display this information at startup—except in the case that the Program has such interactive modes and does not display this information at startup.



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5: Whole work, but can be separated

These requirements apply to the modified work as a whole. If identifiable sections of that work, added by you, are not derived from the Program, and can be reasonably considered independent and separate works in themselves, then this License, and its terms, do not apply to those sections when you distribute them as separate works for use not in combination with the Program. But when you distribute the same sections for use in combination with covered works, no matter in what form such combination occurs, the whole of the combination must be licensed under this License, whose permissions for other licensees extend to the entire whole, and thus to every part of the whole. Your sections may carry other terms as part of this combination in limited ways, described in section 7.



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5: Whole work and your rights

Thus, it is not the intent of this section to claim rights or contest your rights to work written entirely by you; rather, the intent is to exercise the right to control the distribution of derivative or collective works based on the Program.



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5: Aggregation

A compilation of a covered work with other separate and independent works, which are not by their nature extensions of the covered work, in or on a volume of a storage or distribution medium, is called an "aggregate" if the copyright resulting from the compilation is not used to limit the legal rights of the compilation's users beyond what the individual works permit. Mere inclusion of a covered work in an aggregate does not cause this License to apply to the other parts of the aggregate.



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6: Non-Source Distributions

6.[3] Non-Source Distribution.

You may copy and distribute a covered work in Object Code form under the terms of Sections 4 and 5, provided that you also distribute the machine-readable Complete Corresponding Source Code (herein the "Corresponding Source") under the terms of this License, in one of these ways:



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6a: Source Accompanying

a) Distribute the Object Code in a physical product (including a physical distribution medium), accompanied by the Corresponding Source distributed on a durable physical medium customarily used for software interchange; or,



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6b: Written Offer Accompanying

b) Distribute the Object Code in a physical product (including a physical distribution medium), accompanied by a written offer, valid for at least three years and valid for as long as you offer spare parts or customer support for that product model, to give any third party, for a price no more than ten times your cost of physically performing source distribution, a copy of the Corresponding Source for all the software in the product that is covered by this License, on a durable physical medium customarily used for software interchange; or,



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6c: Private distribution of WO Copy

c) Privately distribute the Object Code with a copy of the written offer to provide the Corresponding Source. This alternative is allowed only for occasional noncommercial distribution, and only if you received the Object Code with such an offer, in accord with Subsection b above. Or,



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6d: Distribute by copying from a place

d) Distribute the Object Code by offering access to copy it from a designated place, and offer equivalent access to copy the Corresponding Source in the same way through the same place. You need not require recipients to copy the Corresponding Source along with the Object Code.



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6d can be satisfied by separate servers

[If the place to copy the Object Code is a network server, the Corresponding Source may be on a different server that supports equivalent copying facilities, provided you have explicitly arranged with the operator of that server to keep the Corresponding Source available for as long as needed to satisfy these requirements, and provided you maintain clear directions next to the Object Code saying where to find the Corresponding Source.]



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6: Must be possible to actually use the source.

Distribution of the Corresponding Source in accord with this section must be in a format that is publicly documented, unencumbered by patents, and must require no special password or key for unpacking, reading or copying.



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6: Bits under section 7 may be included

The Corresponding Source may include portions which do not formally state this License as their license, but qualify under section 7 for inclusion in a work under this License.



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7. License Compatibility

7. License Compatibility.

When you release a work based on the Program, you may include your own terms covering added parts for which you have, or can give, appropriate copyright permission, as long as those terms clearly permit all the activities that this License permits, or permit usage or relicensing under this License. Your terms may be written separately or may be this License plus additional written permission. If you so license your own added parts, those parts may be used separately under your terms, but the entire work remains under this License. Those who copy the work, or works based on it, must preserve your terms just as they must preserve this License, as long as any substantial portion of the parts they apply to are present.



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Limited additional restrictions

Aside from additional permissions, your terms may add limited kinds of additional requirements on your added parts, as follows:



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7a: Preservation of copyright notices

a) They may require the preservation of certain copyright notices, other legal notices, and/or author attributions, and may require that the origin of the parts they cover not be misrepresented, and/or that altered versions of them be marked in the source code, or marked there in specific reasonable ways, as different from the original version.



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7b: Different Warranty disclaimer

b) They may state a disclaimer of warranty and liability in terms different from those used in this License.



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7c: Restrictions on trademark usage

c) They may prohibit or limit the use for publicity purposes of specified names of contributors, and they may require that certain specified trademarks be used for publicity purposes only in the ways that are fair use under trademark law except with express permission.



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7d: Affero Clause

d) They may require that the work contain functioning facilities that allow users to immediately obtain copies of its Complete Corresponding Source Code.



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7e: Patent Retaliation

e) They may impose software patent retaliation, which means permission for use of your added parts terminates or may be terminated, wholly or partially, under stated conditions, for users closely related to any party that has filed a software patent lawsuit (i.e., a lawsuit alleging that some software infringes a patent). The conditions must limit retaliation to a subset of these two cases: 1. Lawsuits that lack the justification of retaliating against other software patent lawsuits that lack such justification. 2. Lawsuits that target part of this work, or other code that was elsewhere released together with the parts you added, the whole being under the terms used here for those parts.



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7: No additional restrictions permitted

No other additional conditions are permitted in your terms; therefore, no other conditions can be present on any work that uses this License. This License does not attempt to enforce your terms, or assert that they are valid or enforceable by you; it simply does not prohibit you from employing them.



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7: Others need not include your permissions

When others modify the work, if they modify your parts of it, they may release such parts of their versions under this License without additional permissions, by including notice to that effect, or by deleting the notice that gives specific permissions in addition to this License. Then any broader permissions granted by your terms which are not granted by this License will not apply to their modifications, or to the modified versions of your parts resulting from their modifications. However, the specific requirements of your terms will still apply to whatever was derived from your added parts.



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7: Other terms most be listed centrally

Unless the work also permits distribution under a previous version of this License, all the other terms included in the work under this section must be listed, together, in a central list in the work.



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8. Termination

8.[4] Termination.

You may not propagate, modify or sublicense the Program except as expressly provided under this License. Any attempt otherwise to propagate, modify or sublicense the Program is void, and any copyright holder may terminate your rights under this License at any time after having notified you of the violation by any reasonable means within 60 days of any occurrence. However, parties who have received copies, or rights, from you under this License will not have their licenses terminated so long as they remain in full compliance.



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9. Not A Contract

9.[5] Not a Contract.

You are not required to accept this License in order to receive a copy of the Program. However, nothing else grants you permission to propagate or modify the Program or any covered works. These actions infringe copyright if you do not accept this License. Therefore, by modifying or propagating the Program (or any covered work), you indicate your acceptance of this License to do so, and all its terms and conditions.



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10. Automatic licensing of downstream users

10.[6] Automatic Licensing of Downstream Users.

Each time you redistribute a covered work, the recipient automatically receives a license from the original licensors, to propagate and modify that work, subject to this License, including any additional terms introduced through section 7. You may not impose any further restrictions on the recipients' exercise of the rights thus granted or affirmed, except (when modifying the work) in the limited ways permitted by section 7. You are not responsible for enforcing compliance by third parties to this License.



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11. Licensing of Patents

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