Subject: License breakdown
Posted by Jonathon on Thu, 21 Sep 2006 08:09:16 GMT
View Forum Message <> Reply to Message

I'm familiar with the GNU GPL, but I'm actually unsure of what I can do with the software that's "held" by it.

I've read through the license, and I'm unsure of a few things:
- I'm allowed to modify it?
- I'm allowed to distribute it WITH modifications applied?
- I'm allowed to distribute it with modifications applied, and NOT supply the original source? (still keeping that 'OpenVZ' label on it, though)
- I'm allowed to distribute it with modifications applied, not supply the original source AND charge for it? [this one won't really matter, but it's for another project, just breaking it all down in to one, really]

Just checking before I break the license

Jonathon

Subject: Re: License breakdown
Posted by scythe on Thu, 21 Sep 2006 09:36:22 GMT
View Forum Message <> Reply to Message

Hi,

As far as I know:

- I'm allowed to modify it?
* YES

- I'm allowed to distribute it WITH modifications applied?
* YES - that's called forking

- I'm allowed to distribute it with modifications applied, and NOT supply the original source? (still keeping that 'OpenVZ' label on it, though)
* I'm not sure, probably yes, with a link and the designation of the original source

- I'm allowed to distribute it with modifications applied, not supply the original source AND charge for it? [this one won't really matter, but it's for another project, just breaking it all down in to one, really Razz]
* I think NO, You can charge for the support/service, but You can NOT for a GPL software (Or fork of a GPL one), which You HAVE TO provide the source. (Also see Asus WL500g Router's Linux Firmware : It's based on Linux, so Asus were forced to release it's source code.)

I hope I didn't make a mistake and this helps You.

Scythe

Subject: Re: License breakdown
Posted by dlzinc on Fri, 22 Sep 2006 20:03:26 GMT
View Forum Message <> Reply to Message

scythe was mostly correct.

- I'm allowed to modify it?
Yes.

- I'm allowed to distribute it WITH modifications applied?
Yes.

- I'm allowed to distribute it with modifications applied, and NOT supply the original source? (still keeping that 'OpenVZ' label on it, though)
Yes. By "original source" you don't have to supply OpenVZ's original source, but you must supply the source you used to build those binaries. If you don't distribute binaries, you don't have to distribute the source.

- I'm allowed to distribute it with modifications applied, not supply the original source AND charge for it?
Yes, as long as you provide the source along with the binary.

See the "Sveasoft" case. What they're doing is taking GPL code, modifying it, and distributing both binary and source only to people that have paid for it. The main controversy around them is that they're banning people who in turn redistribute their source (which is explicitly permitted by the GPL).

Subject: Re: License breakdown
Posted by scythe on Sun, 24 Sep 2006 17:55:05 GMT
View Forum Message <> Reply to Message

dlzinc wrote on Fri, 22 September 2006 22:03
- I'm allowed to distribute it with modifications applied, not supply the original source AND charge for it?
Yes, as long as you provide the source along with the binary.

See the "Sveasoft" case. What they're doing is taking GPL code, modifying it, and distributing both binary and source only to people that have paid for it. The main controversy around them is that they're banning people who in turn redistribute their source (which is explicitly permitted by the GPL).

Hi,

I think Sveasoft is charging for the Binary and Support only (As RedHat and most commercial distros), as the source is a fork of GPL software, so it has to be under GPL too (and has to be freely downloadable as GPL). Anyways, they are violating GPL by banning people for redistributing as You pointed. So I think You cannot charge for a GPL software's source, only for the binary, because You invested time in compilation. See also D-Link's case with D-Link DSM-G600 and gpl-violations.org - D-link was recently forced to cease the shipment of it's product, because they didn't release the firmware's source.

Jonathon, I suggest ask a lawyer before selling software based on GPL. You will surely find someone on the Net to help you on this question.

Subject: Re: License breakdown
Posted by dlzinc on Sun, 24 Sep 2006 18:57:38 GMT
View Forum Message <> Reply to Message

As with any legal issues, "we're not lawyers and you should find one who is well versed in these issues before stepping into legal ground you're not sure of".

gpl-violations.org's FAQs have some pretty good info on what's required. GPL section 3 details source distribution. You must comply with at least one of a, b or c to be "legal". GPL does *not* state the the source has to be freely downloadable.

If you provide the source with the binaries, you don't have to provide the source to anyone else. If you don't, then you have to provide the source to anyone who asks but only for a minimal distribution fee (e.g. burning to disc+shipping).

D-Link's case is their refusal to provide the source at all. It didn't come with the product (3.a), and they wouldn't provide it to people who asked D-Link for it (3.b), and 3.c doesn't apply. If they shipped it on a CD or DVD when they were asked for it, they wouldn't need to stop selling the product. I would *guess* that there was something in the source they couldn't send out for other legal reasons, which is why they had to discontinue it.

Sveasoft was doing 3.a, so they're okay for that. But their terms of service states that you can't redistribute the source, which is a violation of the GPL (section 4-6).

The GPL doesn't prevent you from selling the sourcecode as a whole if you don't provide binaries, but does prevent you from preventing others from redistributing the source. So I could take OpenVZ, make some crazy modifications to it and make it perform 1000x faster (let's say), and sell this source for $1 million, but there's nothing stopping whoever buys the source from putting it on the internet.

DD-WRT (another Linksys firmware mod) has a "special" version with extra features not in the public version that they sell. You can't get the binary or source for the "special" version without being a member. They encourage people not to redistribute the source code so it keeps its value, but they don't do anything to prevent people from doing so. (which is fully legal)

Subject: Re: License breakdown
Posted by scythe on Sun, 24 Sep 2006 19:56:41 GMT
View Forum Message <> Reply to Message

dlzinc wrote on Sun, 24 September 2006 20:57As with any legal issues, "we're not lawyers and you should find one who is well versed in these issues before stepping into legal ground you're not sure of".

Exactly.

Quote:
D-Link's case is their refusal to provide the source at all. It didn't come with the product (3.a), and they wouldn't provide it to people who asked D-Link for it (3.b), and 3.c doesn't apply. If they shipped it on a CD or DVD when they were asked for it, they wouldn't need to stop selling the product. I would *guess* that there was something in the source they couldn't send out for other legal reasons, which is why they had to discontinue it.

Agree. Thought that too, probably some kernel patch/module for their hardware, which was written by the hw's manufacturer under strict licensing or OCO.

Quote:
Sveasoft was doing 3.a, so they're okay for that. But their terms of service states that you can't redistribute the source, which is a violation of the GPL (section 4-6).

Agree too.

Quote:
The GPL doesn't prevent you from selling the sourcecode as a whole if you don't provide binaries, but does prevent you from preventing others from redistributing the source. So I could take OpenVZ, make some crazy modifications to it and make it perform 1000x faster (let's say), and sell this source for $1 million, but there's nothing stopping whoever buys the source from putting it on the internet.

So in this case You wrote a great patch for GPL, which You sell for 1 person, who then legally distributes it for free. This means You can sell GPL, but it's pointless, as it will soon be accessible for free and You can't get any more profit from that version of software. So selling support still looks more reasonable for me.

Quote:
DD-WRT (another Linksys firmware mod) has a "special" version with extra features not in the public version that they sell. You can't get the binary or source for the "special" version without being a member. They encourage people not to redistribute the source code so it keeps its value, but they don't do anything to prevent people from doing so. (which is fully legal)
As I stated above, You can do this, but it seems to me to be kinda pointless...