Subject: Openvirtuozzo kernel patch license questions
Posted by Christian Aichinger on Wed, 07 Sep 2005 06:59:42 GMT
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Hi,
on your homepage you state:
 The Open Virtuozzo kernel is based on the Linux kernel,
 distributed under the GPL terms, so it is licensed under GNU GPL
 version 2.

In the kernel patch you distribute (patch-022stab032-core) several
files (all that you added to the kernel tree) have the following
header though:
 (C) SWsoft, 2005, http://www.sw-soft.com, All rights reserved.

"All rights reserved" doesn't look very GPL compatible to me, and in
particular you didn't really state anywhere that the patch itself
may be freely redistributed (on your homepage you just talk about
the patched kernel).

Could you please clarify these issues, probably by replacing all
those "All rights reserved" statements with the proper GPL statement
("This file is free software...")?

Cheers,
Christian Aichinger

PS: Please CC: me as I'm not subscribed to this list.

Subject: Re: Openvirtuozzo kernel patch license questions
Posted by dim on Wed, 07 Sep 2005 07:41:37 GMT
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Hi,

GPL doesn't require to post 'free software' statement in each file, but
require to provide it with each Program copy. So, I think we'll fix this
issue by means of SWSOFT_COPYING file in our SRPM and tarballs.
Anyway, we'll fix this issue somehow. Thanks for your point.

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> Cheers,
> Christian Aichinger
>
> PS: Please CC: me as I'm not subscribed to this list.

--
Thanks,
Dmitry.

Subject: Re: Openvirtuozzo kernel patch license questions
Posted by Christian Aichinger on Wed, 07 Sep 2005 09:42:10 GMT
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On Wed, Sep 07, 2005 at 11:48:01AM +0400, Dmitry Mishin wrote:
> Hi,
>
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> require to provide it with each Program copy. So, I think we'll fix this
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> Anyway, we'll fix this issue somehow. Thanks for your point.

Just shipping a COPYING file is not enough. You need a definitive
statement somewhere that the patches (and RPMs, ..) can be used under
the terms of the GPL.

It's probably not strictly necessary to include the GPL header in
every file, but stating "All rights reserved" in every file seems a
bit contradictory to me.

In this case I think the file-specific license (all rights reserved)
overrides the global "use this under the GPL" statement on your
homepage (unless you make it clear there that these file-specific
restrictions don't apply).

Just removing the "All rights reserved" statements from the file
(or replacing them with a "This is part of GPL'ed software") would
be the easiest way IMHO.

Cheers,
Christian Aichinger

PS: Please keep me CC'ed in this thread.

Subject: Re: Openvirtuozzo kernel patch license questions
Posted by kir on Thu, 08 Sep 2005 12:22:57 GMT
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Christian Aichinger wrote:

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>
>
>>Hi,
>>
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>restrictions don't apply).
>
>Just removing the "All rights reserved" statements from the file
>(or replacing them with a "This is part of GPL'ed software") would
>be the easiest way IMHO.
>
>
Chris,

We might just add "Licensed under GNU GPL version 2" statement right after SWsoft's copyright statement in our next kernel release.

As you may notice, some files in vanilla 2.6 kernel also have "All rights reserved." thing (I found 702 such files in linux-2.6.12-gentoo-r6 kernel sources), and some of those files are GPLed (while some others are not - those are mostly device drivers), so this (having 'all rights reserved' and 'covered by gnu gpl') is not contradictory. Look into kernel/auditsc.c for example (I used version from 2.6.12).

Regards,
Kir.

Kir Kolyshkin <kir@sw.ru> ICQ 7551596

Subject: Re: Openvirtuozzo kernel patch license questions
Posted by rpatrick on Sat, 10 Sep 2005 19:57:35 GMT
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I agree that stating "All Rights Reserved" is allowable as long as there's a reference to the GPL. The GPL allows the end-user to redistribute and modify.

License & Copyright are two different things.

Reserving all rights and then allowing the end-user to use the software under the terms of the GPL license is commonly done if you review a lot of source code (as referenced above in the Linux kernel). Search around, there are many "All Rights Reserved" in the copyright notices of free, GPL-licensed, software.

From gnu.org:

"most free software is not in the public domain; it is copyrighted, and the copyright holders have legally given permission for everyone to use it in freedom, using a free software license."

"Part of releasing a program under the GPL is writing a copyright notice in your own name (assuming you are the copyright holder). The GPL requires all copies to carry an appropriate copyright notice."

The how-to is here: http://www.gnu.org/licenses/gpl-howto.html

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Subject: Re: Openvirtuozzo kernel patch license questions
Posted by dev on Sat, 24 Sep 2005 10:15:19 GMT

Patrick, we fixed this in 038 kernel as follows:
we placed COPYING.SWsoft at the root of kernel with GPL license and added "Licensed under terms of COPYING.SWsoft" to every file.
Hope it is ok now.