



Free Knowledge, Free Technology

New challenges, new licenses

Free Software and Content licenses:
more international, more compatible?

malcolm bain

id law partners

- Inflexible
- Restrictive
- Pre-configured
- Single function





Small variations

“Take it and eat it”

Product prevails over
service





- Highly flexible and versatile
- Adaptable
- Replicable, with many variations
- Allows mixing

“Do what you want with it”



Usually comes with high level of service...
... or no service at all

“And share me”



M. Bain: New challenges, new licenses? SELF July 16 2008

6

With surprising results



Once pan tomaquet, ...



...Always pan tomaquet

Compare with
permissive licenses



M. Bain: New challenges, new licenses? SELF July 16 2008


A series of challenges

M. Bain: New challenges, new licenses? SELF July 16 2008

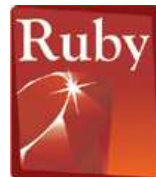
10

New technologies

```
<?xml version="1.0" e
<quiz>
<question>
Who was the forty-second
president of the U.S.A.?
</question>
<answer>
William Jefferson Clinton
</answer>
<!-- Note: We need to add
more questions later.-->
</quiz>
```

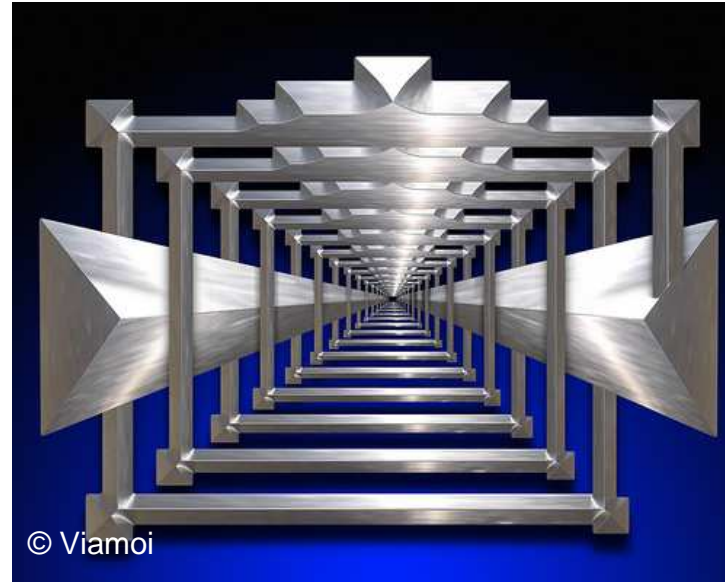


SaaS



New legal framework

Patents



DMCA / EUCD

DRMs

M. Bain: New challenges, new licenses? SELF July 16 2008

12

Unnecessary boundaries



M. Bain: New challenges, new licenses? SELF July 16 2008

13

Only result... Party-time for lawyers



M. Bain: New challenges, new licenses? SELF July 16 2008

14

Three issues in particular

- Internationalisation
- Proliferation
- Incompatibilities - Fragmentation

Lets see how this is dealt with recently

Internationalisation



M. Bain: New challenges, new licenses? SELF July 16 2008

16

Internationalisation

- No applicable law (CDDL, OSL, GPL)
- Universal language in accordance with international treaties (GPL)
- Multiple languages (EUPPL)

Proliferation



License choice, 2008

M. Bain: New challenges, new licenses? SELF July 16 2008

18

Fragmentation - proliferation

- **License anti-proliferation:**
 - **Popular and widely used:**
 - GPL2, BSD, Apache, Mozilla, CDDL,
 - **Special purpose**
 - Education Community
 - **Other**
 - Artistic, OSL, QPL...

 - **Redundant (AFL, X.Net, Lucent...)**
 - **Non-reusable (Apple, EU DataGrid..)**
 - **Retired (Intel, Jabber, MITRE...)**
 - **TBD... (GPLv3, CPAL)**

Incompatibilities



© arquera



© stephens place



© panduh

Incompatibilities

- Typical problems:
 - Mixing audiovisual
 - Wikipedia/Creative Commons
- Answers?
 - Explicit compatibility (EURL, CeCILL)
 - Removing the garlic... GPLv3



Thank you

malcolm bain

malcolm.bain@id-lawpartners.com

id law partners

Paseo de Gracia, 60
08007 – Barcelona
+34 93 467 30 47



<http://creativecommons.org/licenses/by-nc-sa/2.5/es/>

All photos on Flickr under CC license