Free Software, Open Source, and Ethics

Announcement

- Final Exam
  – Wednesday, February 25, 2004
  – 8:00am – 10:00 am
  – 70-3435

Project 2

- Will receive back during final exam

Ten Myths about Copyrights

Brad Templeton

1. **"If it doesn't have a copyright notice, it's not copyrighted."**
   – almost everything created privately and originally after April 1, 1989 is copyrighted and protected whether it has a notice or not.

2. **"If I don't charge for it, it's not a violation."**
   – there can still be serious damages if you hurt the commercial value of the property.

Ten Myths about Copyrights
Brad Templeton

3. **"If it's posted to Usenet [or chatroom] it's in the public domain."**
   - Nothing modern is in the public domain anymore unless the owner explicitly puts it in the public domain

4. **"My posting was just fair use!"**
   - **Fair use is usually a short excerpt and almost always attributed.**
   - **It should not harm the commercial value of the work**

Ten Myths about Copyrights
Brad Templeton

5. **"If you don't defend your copyright you lose it." -- "Somebody has that name copyrighted!"**
   - Copyright is effectively never lost these days, unless explicitly given away.
   - You also can't "copyright a name"

6. **"If I make up my own stories, but base them on another work, my new work belongs to me."**
   - copyright applies to "derivative works"
   - There is a major exception -- criticism and <u>parody</u>. The fair use provision says that if you want to make **fun** of something you don't need their permission
   - it's also worth noting that a court has never ruled on this issue

Ten Myths about Copyrights
Brad Templeton

7. "They can't get me, defendants in court have powerful rights!"
- Copyright law is mostly civil law.
- If you violate copyright you would usually get sued, not be charge with a crime.

8. "Oh, so copyright violation isn't a crime or anything?"
- recently in the USA commercial copyright violation involving more than 10 copies and value over $2500 was made a felony.

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9. "It doesn't hurt anybody -- in fact it's free advertising."
- It's up to the owner to decide if they want the free ads or not.

10. "They e-mailed me a copy, so I can post it."
- To have a copy is not to have the copyright
- you can certainly **report** on what E-mail you are sent, and reveal what it says.

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- Isn't use of this Top 10 copyright infringement?
  - Fair use
  - Source attributed
  - Permission explicitly granted on Web page.

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- For more interesting discussion,
  - Including the legal ramifications of linking

  - See
    - http://www.templetons.com/brad/copymyths.html

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Legal Protection

- Trade Secrets
- Trademark (USPTO)
- Copyright (Library of Congress)
- Patents (USPTO)

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Not all software is proprietary

- There is a "camp" of programmers that believe, when it comes to software, that collaboration is far better than competition.
- Motivation for the movement to distribute source code freely with encouragement to build on and derive from this free code base

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Non-proprietary software

- Open Source
  - A development methodology
  - E.g. Linux, Netscape
- Free Software
  - A licensing philosophy
  - E.g. GNU, Free Software Foundation

Open Source

- A development methodology
  - Typical:
    - Group of developers (or a company)
    - Keep source as a closely keep trade secret
    - Maintain tight control over code base
    - E.g. Try getting the source to Windows
  - Open Source:
    - Source code is free to whomever wants it.
    - Modification of the code is encouraged
    - Community coding…Fascist management.
    - E.g. Linux.

Free Software

- ``Free software'' is a matter of liberty, not price. To understand the concept, you should think of ``free'' as in ``free speech,'' not as in ``free beer.''
- Movement started in 1984 as a response to the growing number of proprietary implementations of UNIX.
  - Richard Stallman – Free Software Foundation
  - GNU = GNU's Not Unix.

Free Software

- A licensing philosophy:
- Free software is a matter of the users' freedom to run, copy, distribute, study, change and improve the software.
  - Freedom 0 -- The freedom to run the program, for any purpose
  - Freedom 1 -- The freedom to study how the program works, and adapt it to your needs (access to source is required)
  - Freedom 2 -- The freedom to redistribute copies so you can help your neighbor
  - Freedom 3 -- The freedom to improve the program, and release your improvements to the public, so that the whole community benefits. (access to source is required)
- Free Software implies Open Source but not visa-versa.

Free Software

- Free Software does not mean that you cannot charge $$ for it
  - Just means that if you change or distribute, you must distribute source as well as binaries so that others may build on your changes.
- Precludes the notions of:
  - Proprietary Software
  - Trade Secrets
  - Software Patents

Copyright

- Copyright protects *"original works of authorship"* that are fixed in a tangible form of expression.
  - *"To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."* - from Article I, Section 8 U.S. Constitution
  - A form of protection provided by the laws of the United States to the authors of "original works of authorship"
- Protects the form of expression not the subject
  - A description of a machine could be copyrighted, but this would only prevent others from copying the description; it would not prevent others from writing a description of their own or from making and using the machine.

What the Owner Gets

- Exclusive rights in the following areas
  - *Reproduce* the work in copies
  - Prepare *derivative works* based upon the work;
  - *Distribute* copies of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
  - *Perform* the work publicly
  - *Display* the copyrighted work publicly
    - In the case of sound recordings, to perform the work publicly by means of a digital audio transmission.

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The GNU Public License (GLP)

- "Copy-left"
  - *Copyleft* is a general method for making a program free software and requiring <u>all modified and extended versions</u> of the program to be free software as well.
  - True for all derivative works, even those that use object libraries.

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The Lesser GLP

- <u>GNU Lesser General Public License (LGPL)</u>
  - permits use of the library in proprietary programs

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Free Software != Open Source

- Open Source
  - Implies a development model where source is available to all who want it
- Free Software
  - Implies a license where freedoms are maintained.
  - Implies the Open Source development model.

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For more information

- Free Software Foundation
  - http://www.fsf.org

- The Open Source Initiative
  - http://www.opensource.org

- Questions?

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Professional Ethics

- The Association of Computing Machinery (ACM) is one of the premiere international societies for Computing Professionals
  - http://www.acm.org

- In 1992, they adopted a Code of Ethics and Professional Conduct
  - intended to serve as a basis for ethical decision making in the conduct of professional work.

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ACM Code of Ethics

- Imperatives:
  1. **Contribute to society and human well-being.**
  2. **Avoid harm to others.**
  3. **Be honest and trustworthy.**
  4. **Be fair and take action not to discriminate.**
  5. **Honor property rights including copyrights and patent.**
  6. **Give proper credit for intellectual property.**
  7. **Respect the privacy of others.**
  8. **Honor confidentiality.**

ACM Code of Ethics

- For more info:

- http://www.acm.org/constitution/code.html