

The Bazaar and The Courtroom

An Open Source Legal Guide for Leaders

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Welcome and Introductions

- UpStreme, Inc.
- Penn State University
- Buchanan Ingersoll & Rooney, PC
- Unisys



- Share Current information related to key Open Source issues
- Outline the legal (and related operational) aspects of these key issues
- Provide various expert viewpoints
- Discuss/Debate optional approaches and solutions.



- Discuss 4 Key Threads on Open Source issues with Legal Ramifications...

How to protect your company or clients from improper use of Open Source tools and/or apps

Open Source Licenses - implications on your projects, business, and the overall business eco-system (e.g. how/why the project picked that license, how/what do you buy, and more...).

GPLv3 – Why this is coming, and whether it a “plus” or “minus”.

MS/Novell, SCO, and future similar threats to Open Source

Baseline Current Knowledge

- What is the current level of understanding on Open Source:



(Fist-Of-Five)

- 0 - I only know buzzwords or less
- 1 - Very rudimentary -I know about Linux and other tools
- 2 - I know about Linux, business applications, and the desktop
- 3 - I have and use Open Source tools in the lab
- 4 - I have and use Open Source tools in production.
- 5 – I use Open Source tools on critical production systems.



Open Source – Situation Synopsis

- Open Source is not “totally free”
- Open Source is in early stages of Adoption in US
- Open Source is picking up Speed – Global competitors are ahead
- Open Source is already in your environment
- Vast array of misinformation and/or misunderstanding causing lag or mistrust...
- But, understanding and managing the legal aspects are a must.





- How to select the project that is right for you (and everything you need to think about and review).
 - Operational Considerations for Selection
 - Unisys
 - Bruce Perens
 - SMB's
 - Legal Considerations (and how to operationalize them)





- **Key License Types**
 - Copy Left, Copy Right, Copy Center?
 - OSI (OpenSource.org) notes 59 different types
- **Applications, Tools, Packages, Utilities**
 - What are your legal obligations
 - What are your obligations to the community
- **Mergers & Acquisitions**
 - Due Diligence
 - Post Acquisition
 - Lessons for Everyone?





- What was wrong with the old GPL?
- Why has this become so polarized?
- Will it ever get approved?
- Are there differences between the way the US and the EU view the new GPLv3?





Biggies:

- SCO vs IBM
- MS/Novell – The Future?

Others:

- Medsphere Systems Inc
- Software Freedom Law Center vs. Blackboard Inc.
- KSR International Co. v. Teleflex, Inc., et al. and Eolas Technologies Inc.
- Regents of the University of California v. Microsoft Corporation





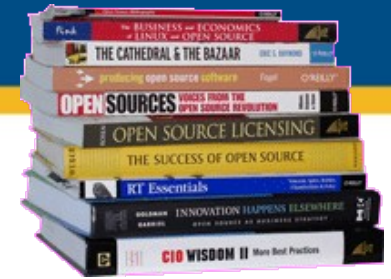
- Decreasing challenges to the legal validity of open source licenses
- More actions by copyright holders to stop re-distribution of code in violation of open source licenses
- Increasing market share for open source products
- More formerly proprietary code released as open source
- Buy-in from increasingly larger vendors
- Fine-tuning of popular open source licenses for particular business models
- Ensuring security of applications rises nearer to the top of open source development concerns



Open Source Interesting Reading



Textbooks



- Text:
 - The Cathedral & The Bazaar – Eric Raymond
 - Open Sources - Voices from the Open Source Revolution – Multiple Authors
 - The Business & Economics of Linux and Open Source - Fink
 - Innovation Happens Elsewhere – Goldman & Gabriel
 - Producing Open Source Software – Fogel
 - Open Source Licensing – Rosen
 - The Success of Open Source – Weber
 - Understanding Open Source & Free Software Licensing – St. Laurent
 - Wikinomics – Tapscott & Williams



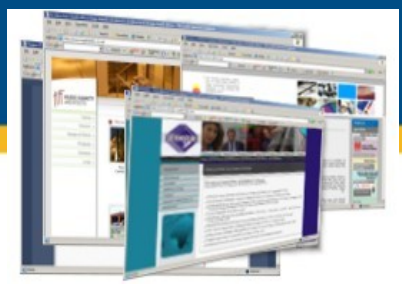
Periodicals



- Periodicals
 - Enterprise Open Source Magazine
 - LinuxFormat – UK
 - Linux Magazine
 - LinuxWorld
 - PhpArchitect
 - Linux Journal
 - More...



Websites



- Groklaw – All things legal
 - www.groklaw.net
- SourceForge
 - www.sourceforge.net
- OSI (Open Source Initiative)
 - www.opensource.org
- Linux Professional Institute – Certification Body
 - www.lpi.org
- LinuxWorld & Enterprise Open Source Magazines
 - www.linux.sys-con.com
 - www.opensource.sys-con.com/



Q&A - Challenge/Support



Thank You

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