

AGNULA – A GNU/Linux Audio distribution
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Libre Software Copyright/ Licensing recommendations

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Contents

1	Development strategies to improve the presence of Free Software in audio applications	3
2	Rules in the AGNULA audio/multimedia distribution	3
2.1	Rules for including software in the AGNULA distribution	4
2.2	Rules for publishing software in the AGNULA distribution	4
3	Copyright Rules	4

Introduction

This document provides information about AGNULA recommendations on copyright and licensing. This document includes information regarding issues about audio/multimedia Free Software licensing; information about the assesement of audio/multimedia applications in terms of Free Software presence/functionality (such as strong points, weaknesses, empty slots, etc); and the strategy of Free Software diffusion.

1 Development strategies to improve the presence of Free Software in audio applications

The technical foundation has already been prepared for an improved development environment for Free Software audio and music software. The ALSA sound API is currently included with the 2.5.x development series of the Linux kernel, Paul Davis's JACK audio connection kit provides a simple transparent means for audio software developers to remain focused on their application's feature set instead of low-level driver issues, and Andrew Morton's low-latency patches have proved the effectiveness of a properly tuned Linux kernel in professionally demanding realtime recording and editing situations. AGNULA incorporates all of those advances into its core distribution and adds a variety of useful libraries and toolkits for developers of Free Software audio and music applications. By doing so the AGNULA project intends to raise awareness of the quality of the available development environment, while at the same time encouraging development of more and better applications targeted to the normal user.

2 Rules in the AGNULA audio/multimedia distribution

Software licenses may vary radically with regard to issues of copyright, distribution, and even usage. Therefore the AGNULA project distinguishes between four software-licensing categories:

1. Free Software under a GPL-compatible Copyleft license approved by the Free Software Foundation.
2. Free Software under a GPL-compatible non-Copyleft license approved by the FSF.
3. Free Software under a GPL-incompatible license approved by the FSF.
4. Proprietary Software.

For documentation, AGNULA distinguishes between three licensing categories:

1. Documentation under a Free Documentation license approved by the FSF.
2. Documentation that is freely redistributable in any medium (also for commercial purposes).
3. Documentation not falling into the first two categories.

2.1 Rules for including software in the AGNULA distribution

AGNULA's primary definition of Free Software is that of the Free Software Foundation. Software licensed under categories 1 to 3 may be included without legal issue in the core AGNULA distribution although category 1 will be preferred. For documentation, categories 1 and 2 are acceptable for inclusion in AGNULA.

Sometimes Free Software (category 1-3) depends on proprietary software (category 4). For example, Java-based applications present a difficulty. There are some attempts at creating a Free Software Java implementation, but many Java applications will not run on them and have been written for the proprietary Java implementations by Sun and IBM, which can not be included in AGNULA.

In these cases the AGNULA consortium will work on convincing the publisher of the proprietary software to release the problematic under an acceptable license. If this is not possible, AGNULA will try to break their dependency on proprietary software by either getting it to work with a Free alternative or by porting it to another technology.

Surmounting these issues and similar problems is a key goal in AGNULA's early development stage. Although very real difficulties must be dealt with, AGNULA aims for the harmonization of license and redistribution policy. As far as possible, AGNULA strives to provide software covered by a license of category 1 or 2.

In questionable instances, the FSF Europe will work on finding a solution with the other project partners and determine whether a package can be included.

2.2 Rules for publishing software in the AGNULA distribution

All software written within the AGNULA project will be released under the GNU General Public License (GPL) or (if advisable) the GNU Lesser General Public License (LGPL). Documentation will be released under the GNU Free Documentation License (GFDL).

In special cases, another license from categories 1 and 2 might be chosen; the FSF Europe offers guidance and advice for this.

3 Copyright Rules

The aim of the AGNULA project is to provide two GNU/Linux distributions, entirely based on Free Software. To ensure persistence and longevity of the work within the AGNULA IST project, it will be important to provide adequate measures to protect this work.

Free Software is (and must be) work in permanent evolution. Only if it can be adapted, modified, and built upon will it be truly successful.

Technical methods are evolving steadily, so it becomes important to ensure that the licensing for the work done within AGNULA is permanently maintained and adapted (if necessary).

The legal framework inside which the licenses operate is also subject to change and may require adaptation of the licenses employed within AGNULA.

Finally it is necessary that work done inside AGNULA remains accessible to the people it was done for and protected from appropriation. This requires monitoring and may require occasional legal action.

These aspects of legal maintainability are a prerequisite for technical maintainability, which is a necessity for success of the AGNULA project.

The Free Software Foundations have over 16 years of experience ensuring legal maintainability for Free Software, so all work done within the AGNULA project will be assigned to the FSF Europe to maintain legal maintainability of the AGNULA project during the time it is funded by the European Commission and afterwards.

The assignment will be performed with the "Fiduciary License Agreement" of the FSF Europe, which has the following effects:

- Copyright/Exclusive exploitation rights are assigned to FSF Europe.
- An unlimited amount of single exploitation rights is assigned back to the assigning project partner.
- The FSF Europe guarantees that the rights assigned will only be used to benefit Free Software. In case of violation of this guarantee, all rights fall back to the assigning project partners.

This will allow the FSF Europe to act as the fiduciary of the AGNULA consortium for the project duration and after its dissolution, making sure the work on AGNULA will continue to benefit users as per the goal of the AGNULA project.