

Technology Industry Leaders Join Forces to Increase Predictability in Open Source Licensing

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Red Hat, Facebook, Google and IBM commit to providing a fair cure period to correct license compliance issues for GPLv2 software

RALEIGH, N.C.--(BUSINESS WIRE)-- Red Hat, Inc. (NYSE: RHT), Facebook, Inc. (NASDAQ: FB), Google (NASDAQ: GOOGL) and IBM (NYSE: IBM) today announced efforts to promote additional predictability in open source licensing, by committing to extend additional rights to cure open source license compliance errors and mistakes.

The GNU General Public License (GPL) and GNU Lesser General Public License (LGPL) are among the most widely-used open source software licenses, covering, among other software, critical parts of the Linux ecosystem. When GPL version 3 (GPLv3) was released, it introduced an express termination approach that offered users opportunities to cure errors in license compliance. This termination policy in GPLv3 provided a more reasonable approach to errors and mistakes, which are often inadvertent. This approach allows for enforcement of license compliance that is consistent with community norms.

To provide greater predictability to users of open source software, Red Hat, Facebook, Google and IBM today each committed to extending the GPLv3 approach for license compliance errors to the software code that each licenses under GPLv2 and LGPLv2.1 and v2.

Common Cure Rights Commitment

The common commitment language adopted by each company is:

Before filing or continuing to prosecute any legal proceeding or claim (other than a Defensive Action) arising from termination of a Covered License, [Company] commits to extend to the person or entity ("you") accused of violating the Covered License the following provisions regarding cure and reinstatement, taken from GPL version 3. As used here, the term 'this License' refers to the specific Covered License being enforced.

However, if you cease all violation of this License, then your license from a particular copyright holder is reinstated (a) provisionally, unless and until the copyright holder explicitly and finally terminates your license, and (b) permanently, if the copyright holder fails to notify you of the violation by some reasonable means prior to 60 days after the cessation.

Moreover, your license from a particular copyright holder is reinstated permanently if the copyright holder notifies you of the violation by some reasonable means, this is the first time you have received notice of violation of this License (for any work) from that copyright holder, and you cure the violation prior to 30 days after your receipt of the notice.

[Company] intends this Commitment to be irrevocable, and binding and enforceable against [Company] and assignees of or successors to [Company]'s copyrights.

[Company] may modify this Commitment by publishing a new edition on this page or a successor location.

Read the commitment, associated definitions, an FAQ and additional perspective:

Red Hat: <https://www.redhat.com/en/about/gplv3-enforcement-statement> and <https://www.redhat.com/en/blog/fostering-greater-open-source-development>

Google: <https://opensource.google.com/gpl-enforcement/>

IBM: <https://developer.ibm.com/code/open/>

Supporting Quotes

Michael Cunningham, executive vice president and general counsel, Red Hat

"We believe in promoting greater fairness and predictability in license enforcement and the growth of participation in the open source community. We encourage other GPLv2 copyright holders to follow our lead."

Allen Lo, vice president and deputy general counsel, Facebook

"Open source accelerates the pace of innovation in the world. Extending the good-faith opportunity for developers to correct errors in license compliance has the potential to help move the industry forward and allow engineers to focus on building great things."

Mark Ringes, assistant general counsel, IBM

"For many years, General Public License v2 and V3 have guided the development of the world's largest shared code base, Linux. Extending GPLv3's non-compliance cure provision to GPLv2 will enable the continued adoption and robust growth of Linux for decades to come. IBM has long been a leading supporter of Linux and open source and assists in the development of the Linux kernel. Deepening our commitment with this assertion is a natural evolution of that support."

About Red Hat, Inc.

Red Hat is the world's leading provider of open source software solutions, using a community-powered approach to provide reliable and high-performing cloud, Linux, middleware, storage and virtualization technologies. Red Hat also offers award-winning support, training, and consulting services. As a connective hub in a global network of enterprises, partners, and open source communities, Red Hat helps create relevant, innovative technologies that liberate resources for growth and prepare customers for the future of IT. Learn more at <http://www.redhat.com>.

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Media:

Red Hat, Inc.

Stephanie Wonderlick, +1 571-421-8169

swonderl@redhat.com

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