

Momentum Builds as New Wave of Technology Industry Leaders Join Efforts to Increase Predictability in Open Source Licensing

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CA Technologies, Cisco, HPE, Microsoft, SAP, and SUSE commit to providing a cure period for correcting license compliance issues in GPLv2 software

RALEIGH, N.C.--(BUSINESS WIRE)-- Red Hat, Inc. (NYSE:RHT) today announced that six additional companies have joined efforts to promote greater predictability in open source licensing. These marquee technology companies – CA Technologies, Cisco, HPE, Microsoft, SAP, and SUSE – have committed to extending additional rights to cure open source license noncompliance. This will lead to greater cooperation with distributors of open source software to correct errors and increased participation in open source software development.

The GNU General Public License (GPL) and GNU Lesser General Public License (LGPL) are among the most widely used open source software licenses covering many important software projects, including the Linux kernel. GPL version 3 (GPLv3) introduced an approach to termination that offers distributors of the code an opportunity to correct errors and mistakes in license compliance. This approach allows for enforcement of license compliance consistent with a community in which heavy-handed approaches to enforcement, including for financial gain, are out of place.

In Nov. 2017, [Red Hat](#), [Facebook](#), [Google](#), and [IBM](#) each committed to extending the GPLv3 approach for license compliance errors to the software code each has contributed under GPLv2 and LGPLv2.1 and v2. With today's announcement, there are now 10 companies that have publicly committed to providing greater predictability to open source users. The large ecosystems of projects using the GPLv2 and LGPLv2.x licenses will benefit from adoption of this more balanced approach to termination derived from GPLv3.

Common Cure Rights Commitment

The 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.

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

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Definitions

'Covered License' means the GNU General Public License, version 2 (GPLv2), the GNU Lesser General Public License, version 2.1 (LGPLv2.1), or the GNU Library General Public License, version 2 (LGPLv2), all as published by the Free Software Foundation.

'Defensive Action' means a legal proceeding or claim that Red Hat brings against you in response to a prior proceeding or claim initiated by you or your affiliate.

'[Company]' means [Company] and its subsidiaries.

Read the individual commitments:

Red Hat: <https://www.redhat.com/en/about/gplv3-enforcement-statement> and <https://www.redhat.com/en/blog/ability-correct-errors-gplv2-compliance-right-thing-do>

CA Technologies: <https://www.ca.com/us/legal/gpl-commitment.html>

HPE: <https://news.hpe.com/hpe-joins-other-community-leaders-in-protecting-developers-and-enabling-innovation/>

Microsoft: <https://aka.ms/GPLv3>

SUSE: <https://www.suse.com/licensing/gplv3-enforcement-statement/> and <https://www.suse.com/c/gpl-enforcement-statement/>

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

“We are encouraged to see leading companies join in promoting greater fairness and predictability in license enforcement. We see this as an important statement that license enforcement activities should foster greater development participation and adoption of open source software.”

Christopher Herbst, vice president and assistant general counsel, CA Technologies

“Open source software is an important component of the modern software factory. As an active participant in open source and open standards, and consistent with our mission to eliminate the barriers between ideas and business outcomes, we are happy to join in this Commitment to bring greater predictability to open source licensing.”

Willie Hernandez, vice president and deputy general counsel, HPE

“HPE has been a supporter of and leader in open source and Linux for more than 15 years. We remain committed to open source and open standards as important ways to encourage collaboration across the industry. To that end, we hope incorporating the cure period into additional flavors of GPL licenses provides users the comfort to utilize open source software as they strive for innovation.”

Eileen Evans, Micro Focus deputy general counsel and board member of the Linux Foundation

“It is heartening to see such a diverse group of companies standing behind the common cause of promoting fairness in license compliance. This initiative will both further confidence in open source and support its future growth.”

Erich Andersen, corporate vice president and chief IP counsel, Microsoft

“We want to make it easier for developers to build great products using licenses popular in the community without having to worry that they will not be afforded a cure opportunity if they miss a step in license compliance. We believe that today’s announcement will help advance an industry norm on this important issue and help increase collaboration and innovation in the Linux community.”

Janaka Bohr, head of Licensing Compliance, SAP

"Increasingly users of open source software are concerned about unintentional noncompliance with associated license terms and inadvertent exposure to legal risk. SAP believes that the initiative of applying GPLv3’s non-compliance cure provisions to GPLv2 is a step in the right direction to protect the principles of open source.”

Nils Brauckmann, CEO, SUSE

“SUSE believes promoting more equitable and consistent practices in open source license enforcement will increase both participation in the open source community and actual value derived from open source software by developers and users. As other GPLv2 copyright holders embrace this licensing approach, the resulting growth in development and adoption will, in turn, fuel greater innovation and opportunity.”

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Forward-Looking Statements

Certain statements contained in this press release may constitute "forward-looking statements" within the meaning of the Private Securities Litigation Reform Act of 1995. Forward-looking statements provide current expectations of future events based on certain assumptions and include any statement that does not directly relate to any historical or current fact. Actual results may differ materially from those indicated by such forward-looking statements as a result of various important factors, including: risks related to the ability of the Company to compete effectively; the ability to deliver and stimulate demand for new products and technological innovations on a timely basis; delays or reductions in information technology spending; the integration of acquisitions and the ability to market successfully acquired technologies and products; fluctuations in exchange rates; the effects of industry consolidation; uncertainty and adverse results in litigation and related settlements; the inability to adequately protect Company intellectual property and the potential for infringement or breach of license claims of or relating to third party intellectual property; risks related to defects in our offerings and third-party hardware upon which our offerings depend; risks related to the security of our offerings and other data security vulnerabilities; changes in and a dependence on key personnel; the ability to meet financial and operational challenges encountered in our international operations; and ineffective management of, and control over, the Company's growth and international operations, as well as other factors contained in our most recent Quarterly Report on Form 10-Q (copies of which may be accessed through the Securities and Exchange Commission's website at <http://www.sec.gov>), including those found therein under the captions "Risk Factors" and "Management's Discussion and Analysis of Financial Condition and Results of Operations". In addition to these factors, actual future performance, outcomes, and results may differ materially because of more general factors including (without limitation) general industry and market conditions and growth rates, economic and political conditions, governmental and public policy changes and the impact of natural disasters such as earthquakes and floods. The forward-looking statements included in this press release represent the Company's views as of the date of this press release and these views could change. However, while the Company may elect to update

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