

Open Source Licence

Open source licences are a legal and binding contract between the author and user of a software component declaring that the software can be used in commercial applications under specified conditions. Each open source licence states what users are permitted to do with the software component, their obligations, and what they cannot do as per the terms and conditions.

There are two different types of licences that will be looked at, permissive and copyleft, A permissive licence grants users permission to use, modify and share source code whilst also giving users the option to change some of those terms and conditions for redistribution including derivative work, an example of such a licence is MIT. A Copyleft licence grants users permission to use, modify, and share the source code but instead offers protection against re-licencing through specific restrictions and terms and conditions meaning derivative work must be released under the same copyright licence, an example of such a licence is General Public Licence GPL v3. The licences discussed below are free to use.

What does the Licence Need to Cover?

1. Derivative work should be open source
2. All work should specify our attribution to it
3. Liability for the defective builds
4. Sold as seen

Option 1 - GNU GPL v3

GNU GPL (General Public Licence) v3 is a copyleft licence that allows you to reproduce, modify, recombine, and redistribute the work whilst requiring you to release any derivative works you make under the same copyleft licence.

Synopsis of GPL v3:

1. Anyone can copy, modify and distribute this software.
2. You have to include the licence and copyright notice with each and every distribution.
3. You can use this software privately.
4. You can use this software for commercial purposes.
6. If you modify it, you have to indicate changes made to the code.
7. Any modifications of this code base **MUST** be distributed with the same licence, GPLv3.
8. This software is provided without warranty.
9. The software author or licence can not be held liable for any damages inflicted by the software.

Permissions:

- The licensed material and derivatives can be used for commercial purposes
- The licensed material may be distributed
- The licensed material can be modified
- The licence provides an express grant of patent rights from contributors
- The licensed material to be used and modified in private

Conditions:

- Disclose source
- Licence and copyright notice
- Licence must be the same
- Changes must be stated

Limitations:

- Includes a limitation of liability
- Licence does not provide warranty

Option 2 - GNU GPL v2

GNU GPL (General Public Licence) v3 is a copyleft licence that allows you to reproduce, modify, recombine, and redistribute the work whilst requiring you to release any derivative works you make under the same copyleft licence.

Synopsis of GPL v2:

1. Anyone can copy, modify and distribute this software.
2. You have to include the licence and copyright notice with each and every distribution.
3. You can use this software privately.
4. You can use this software for commercial purposes.
6. If you modify it, you have to indicate changes made to the code.
7. Any modifications of this code base MUST be distributed with the same licence, GPLv2.
8. This software is provided without warranty.
9. The software author or licence can not be held liable for any damages inflicted by the software.

Permissions:

- The licensed material and derivatives can be used for commercial purposes
- The licensed material may be distributed
- The licensed material can be modified
- The licensed material to be used and modified in private

Conditions:

- Source code must be made available when the licenced material is distributed
- A copy of the licence and copyright notice must be included in the licenced material
- Modifications must be released under the same licence when distributing licenced material (in some cases a similar or related licence may be used)
- Changes made to the licenced material must be documented

Limitations:

- Includes a limitation of liability
- Licence does not provide warranty

What Makes GPL v3 Different to GPL v2

- Explicit patent licensing - A new patent clause protects users from only some licences benefiting from patent rights, requiring them to ensure every user enjoys the same advantages or that no one can profit from the software
- Sections of GPL v2 were tailored to be effective in the US, the limitation of liability section is ineffective in the UK due to it's attempting to entirely exclude liabilities that can't be excluded here, with GPL v3 developers are now able to add local disclaimers
- Clarifies the need to disclose source code in an ASP implementation of GPL if users do not distribute a copy to clients

Option 3 - MIT

MIT is a permissive licence that permits minimal restrictions on how users can reproduce, modify, and redistribute the work.

Synopsis of MIT

1. The original copyright notice must be included in the copy and/or modification of the code
2. A copy of the licence itself must be included in the copy and/or modification of the code
3. The code can be used in commercial applications, a proprietary piece of software can include all or parts of the original open source code and an organisation can charge money for that software
4. Code can be modified
5. Code can be distributed, along with modifications as original copyright notice and licence are included
6. Code can be sublicense, modifications can be incorporated with the original code with a stricter licence
7. Author(s) of original source code are not legally liable

Permissions:

- The licensed material and derivatives can be used for commercial purposes
- The licensed material may be distributed
- The licensed material can be modified
- The licensed material to be used and modified in private

Conditions:

- A copy of the original copyright notice and licence must be included with the licensed material

Limitations:

- Includes a limitation of liability
- Licence does not provide warranty

Other Local Government Projects

Drupal & Income Management System

An open source publishing platform that delivers a better digital experience for citizens, improving service outcomes and saving money, uses GPL v2.

Recommendation

To meet the objectives that were set GPL v3 is the licence that should be selected. Though MIT is easier to adopt and therefore the community can grow due to a high adoption rate, derivative software from MIT can go “closed” and developments can be made under that proprietary licence so the open source community can be lost. GPL v3 protects the author and everyone else as there is no warranty for the free software, if it is modified and passed on, the recipients are made aware that they do not have the original so any problems introduced by others should not reflect the original authors' reputation. The new authority Sedgemoor will be under will be the author of this source code.