Chapter 7.21
Examining Open Source Software Licenses through the Creative Commons Licensing Model

Kwei-Jay Lin
University of California, USA

Yi-Hsuan Lin
Creative Commons Taiwan Project, Taiwan

Tung-Mei Ko
OSSF Project, Taiwan

ABSTRACT

In this chapter, the authors present a novel perspective by using the Creative Commons (CC) licensing model to compare 10 commonly used OSS licenses. The authors also propose a license compatibility table to show that whether it is possible to combine OSS with CC-licensed open content in a creative work. By using the CC licensing concept to interpret OSS licenses, the authors hope that users can get a deeper understanding on the ideas and issues behind many of the OSS licenses. In addition, the authors hope that by means of this table, users can make a better decision on the license selection while combining open source with CC-licensed works.

INTRODUCTION

With the rapid growth of the open source software (OSS) community in the past decade, many users now are convinced that OSS is a practical and attractive alternative to proprietary software. Since almost all OSS licenses allow worldwide, royalty-free usage and encourage users to copy, modify,

and enhance original codes, OSS has attracted many users and programmers. Some other benefits include significantly lower development and deployment cost, and software quality improvement due to open inspections and discussions.

To meet the needs of various authors and users, different software licenses have been defined. The diversity and complexity of these licenses, on the other hand, create confusions for many potential OSS authors and users. It has been a constant community effort through articles, reviews, and books to discuss and to elaborate on the subtle differences among these licenses.

For non-software publications, such as Web sites, graphics, music, film, photography, literature, courseware, and so on, that normally fall under the current copyright law, some authors may want to open up part of their rights to the public with a spirit similar to those of OSS licenses. To allow for such possibilities, Creative Commons (CC) was founded in 2001 to define the licenses beyond the traditional "all rights reserved" copyright definition. CC licenses, motivated in part by the GNU General Public License (GPL) of the Free Software Foundation (FSF), provide a similar function to OSS licenses for non-software creative works.

Both OSS and CC licensing models are about promoting the ideas of free access. Therefore, it is not a rare case to combine open software released under OSS licenses with CC-licensed creative material. Nevertheless, there are differences between these two models. For users who combine these two types of materials to create a new resulting work, some questions are of deep concern. For example, whether a specific OSS license is compatible with CC licenses? Which license should the resulting work apply to? Unfortunately, so far there is hardly any study discussing these issues in depth.

As participants of the open source movement in Taiwan, we have witnessed the flourishing in-novation and creativity of OSS activities in Taiwan. However, the license selection issue has continued to be an obstacle for many potential local contributors. Part of the charters of the Open Foundry project in Taiwan (called OSSF, http://www.openfoundry.org) is to help people easily capture a basic understanding of the licenses that govern OSS, related documentations and open content.

In this chapter, we present a novel perspective by using the CC licensing model to compare 10 commonly-used OSS licenses. Specifically, we have defined a license compatibility table that shows whether it is possible to combine OSS with CC-licensed open content in a creative work. The idea of comparing the two types of licenses is partly inspired by Rosen (2004). In Chapter 10 (pp. 244-251) of his book, Rosen takes four commonly used OSS licenses as examples and discusses the compatibility of these licenses. Similarly, our study may help people understand if they can re-license a resulting work under a specific CC license. The reason for our study on the compatibility table is from the observation that many new OSS contributors are primarily interested in getting their software known and accepted by the community, and circulated as widely as possible. They do not want to interfere with licensees' use of the software nor constraining the licensing of derivative works. Their goal is to create works that people may share and enjoy, much like open content. Therefore, by using the CC licensing concept (such as *attribution* and *share alike*) to interpret OSS licenses, people may get a deeper understanding on the ideas and issues behind many of the OSS licenses, and make a better decision on the license selection.

The rest of the chapter is organized as follows. The following section reviews the basic elements of OSS licenses and CC licenses. Subsequently, the comparison of the two licenses classes is presented. Next, we discuss two new license concepts, then the chapter is concluded in the last section.

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