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## **Public Licenses – Class Exercise**

**SI 519 / PubPol 688**

**Bryce Pilz**

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## **Public License Problem #1**

You are a copyright specialist for the prestigious University of Michigan Library. You are leading a project to adopt Creative Commons licenses for all works created by the Library for which the University owns the copyrights. The final issue you are addressing is whether to include the “Non-Commercial” limitation for the licenses.

Your boss,



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believes the “world should be free.” He says that, consistent with the Library’s mission, users of the University-owned works should be free to use them without any restrictions (other than to pass along those same freedoms to others). He has agreed to compromise by allowing you to include the attribution restriction.

You also received a phone call from someone in the University’s Communications Office. Apparently an Ann Arbor News reporter is contemplating a story on whether the University is effectively managing its resources during this era of restricted state funds. The reporter has indicated he believes the University could be better leveraging its resources to make money, and therefore recoup some of the money that has been lost to the state budget crisis. This would in turn help to keep student tuitions down. The reporter specifically inquired about the Library CC project, wondering whether the library was going to “give things away for free and let others make money off of it.”

You also received an email from a student who would like to use some University-owned works from the library in the course of some research sponsored by Google. The student wants to know if this research would be permitted under a “Non-Commercial” restriction.

Do you adopt the “Non-Commercial” Creative Commons License” and, why or why not. The attached materials describe the Creative Commons Attribution-Noncommercial License.

## **Public License Problem #2**

You are an intellectual property attorney for the Free Software Foundation. You receive the following email from someone at a major public university:

Dear FSF lawyer:

Much of the software developed here is custom in nature. In some cases, software components (that accomplish specific, limited, functionality) acquired under the GPL from an external source, have been used/incorporated into this custom software.

In all examples of the GPL that I could find, it seemed that GPL must be applied if the GPL'd software component is distributed WITH the custom application. Even in that case, there seemed to be gray areas, in particular, if the GPL component use was limited to a straight call and wait for response from the main program.

My question (while long-winded) is relatively straight-forward:

- 1) someone develops a custom application for internal use
- 2) for one specific set of functionality (eg: the spell checker in a word-processor), a GPL covered component is utilized internally
- 3) then, there is a desire to distribute the custom application software externally WITHOUT the GPL'd component (eg: without the spell checker), but with the calls to that component still in the software such that, if the end-user/licensee wishes to have that functionality, they could download/use the GPL'd component on their own
- 4) in your opinion, **MUST** the GPL be the license under which the software is offered?

Thanks.

How do you respond? Is it okay for the University to distribute its software without the "GPL'd component" but with the calls to the component still included?

Attached is a copy of GPL v2. You might want to focus on the language in Paragraphs 0, 2, and 10.

### **Public License Problem #3**

You have found a great play online that is licensed under the Creative Commons Attribution-Share Alike license (attached). You have also found some open source software available online that allows you to create a great rendition of the play on a web-site run by a local non-profit arts group. When you accessed the software, you clicked your agreement to the following language:

#### **Ann Arbor Commons License**

By using this software, you agree to the following:

- 1) you may make derivative works of this software provided that you only release any such derivative work under this Ann Arbor Commons License or under a similar license with terms consistent to those in this license;
- 2) you may include this software as part of a compilation of other works as long as the compilation is released under this Ann Arbor Commons License or under a similar license with terms consistent to those in this license
- 3) you may freely share this software with others, as long as you release this software under this Ann Arbor Commons License or under a similar license with terms consistent to those in this license.
- 4) A license is a “similar license” under this agreement and has “terms consistent to those in this license” as long as it allows the free distribution of derivative works and does not restrict the future use of this software on the basis of whether such use is commercial or noncommercial.

Can you release the software version of the play? If so, which license, if any, can you use to release the play in software form?

### **Public License Problem #4**

Your start-up company has developed software that includes several components licensed under the GPL.v2. A large venture capital firm has approached you, interested in providing a significant investment in your company if you can show them how your company can make money on this software. What are some of the ways you can generate revenue despite licensing the software under a GPL.v2 license?

Attached is a copy of the GPL.v2 license. Paragraph 1 will give you some ideas.

### **Public License Problem #5**

You have obtained a song from a local band under a Creative Commons Attribution-NonCommercial-NoDerivs license (attached). You would like to make a slideshow of all of the great comments you have made in this class (that the teacher has been videotaping) using iMovie. You would love to use the song as background music. You will likely only show the slideshow during our last day of class, and will otherwise only watch it by yourself. Can you use the song this way in light of the Creative Commons License? And, why or why not?