

## Podcast series

# A Guide to Free and Open Source Software

## Episode 2: Free and Open Source Software Licenses

### Summary of Episode 1

Hello and welcome to the second part of the CCdigital<sup>law</sup> podcast with the focus on free and open source software. In the first part on free and open source software you went through the simplified process of developing software. You wrote a code for an email program and learned that to make your code free and open source you have to make the human readable source code accessible to everyone. You have to license your copyrights so that everyone is able and allowed to use, copy, share, modify and share modifications of your computer program. The easiest way to do that is to choose one of the many free and open source software licenses available online.

### Introduction to Episode 2

In this second part, you will learn where to find all the free and open source software licenses. To do that I have to differentiate between the free software definition and the open source software definition.

### Definition of Free Software and Open Source Software

The term free and open source software pulls together two definitions. One is the free software definition made by the Free Software Foundation, the other is the open source software definition made by the Open Source Initiative. The two definitions are very similar in their content but not a hundred percent the same.

“Free software” is defined by the free software foundation it says<sup>1</sup> that a computer program is free software if the users of the program have the following four freedoms:

- Freedom 0 – is the freedom to use the work,

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<sup>1</sup> source: <https://www.gnu.org/philosophy/free-sw.html>

- Freedom 1 – is the freedom to study the work,
- Freedom 2 – the freedom to copy and share the work with others,
- Freedom 3 – the freedom to modify the work, and the freedom to distribute modified and therefore derivative works.

It is basically the definition for free and open source software that I gave you in the first part. The term open source software is defined by the open source initiative which lists 10 criteria including the right of redistribution, access to source code, the right of creating modifications, and so on.

This definition is much longer than the one of the free software foundation. In the end the two definitions differ in their wording but the meaning is almost identical. But you could say that the free software foundation focuses more on the freedom of software users, while the open source initiative focuses more on the accessibility of the source code and the fact that open source software does not have to be free of charge. I will talk about the price of free and open source software in more detail in part four of this podcast.

### **Lists of Free and Open Source Software Licenses**

A free software license is a software license that falls under the free software definition. An open source software license is a software license that falls under the open source software definition.

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Because the two definitions are very similar many software licenses that qualify as free software license also qualify as open source software license. That is why the term free and open source software licenses is often used.

Back to the main question: where can you find free and open source software licenses?

There are two lists on the internet. One list names all licenses that qualify as free software licenses it is made by the Free Software Foundation. The second lists all licenses that qualify as open source software licenses and it is made by the Open Source Initiative.

Free and open source software licenses are the software licenses that you can find on both lists. An Example for a license that qualifies both as free software and as open source software license is the GNU General Public License. This means you will find the GNU General Public License on the list of free software licenses and on the list of open source software licenses. Prominent software that is licensed under the GNU GPL version 2 is the GNU/Linux Operating system

Another free and open source software license is the Mozilla Public License. The Mozilla Firefox Browser is licensed under a MPL 2.0. Other well known free and open source software license is the Apache License 2.0s which is used to license the Apache Server.

In all, there are about fifty licenses that qualify as both free software and open source software licenses. it is also possible but much rarer for a software license to just qualify as a free software license for example the

“Do What The Fuck You Want To” public license. This license is qualified by the Free Software Foundation as a free software license. You can find it on their list. But the Open Source Initiative does not qualify it as open source software license<sup>2</sup>. Whereas the “NASA Open Source Agreement” for example is only qualified as open source software license but not as free software license.

## Summary

The term free and open source software pulls together two definitions. First is the free software definition. Second, the open source software definition. Online you can find a list that names all the Licenses that qualify as free software licenses qualified by the free software foundation. And you find another list with all the licenses that qualify as open source software licenses qualified by the Open Source Initiative. Because most licenses that qualify as free software licenses also qualify as open source software license the term free and open source software licenses is often used.

Now that you know where you can find all the free and open source software licenses it is time to choose one for the email program you wrote in the first part of this podcast. In the next third part, we will do exactly that. I will describe the two main types of free and open source software licenses: copyleft licenses and permissive licenses. This should give you an entry point to find the one license that best fits your needs to distribute your email program.

3 If you have any questions or feedback please write to [info@ccdigital<sup>law</sup>.ch](mailto:info@ccdigital<sup>law</sup>.ch)

## Credits

This script was written by Melanie Graf, a member of CCdigital<sup>law</sup> and a legal counsel at the University Library Basel. Last updated on 02.05.2018.



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<sup>2</sup> source: <https://opensource.org/minutes20090304>