

# Next Draft of GPL 3 to Address Microsoft-Novell Deal

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The Free Software Foundation will release the third discussion draft of GPL Version 3, postponing a final release to address issues such as those raised by the recent Microsoft-Novell patent deal.

The Free Software Foundation will release the third discussion draft of the GNU General Public License Version 3 on March 28, some eight months after the previous draft was made public.

The move will push back the final release of GPL 3 by several more months, which means the license is now unlikely to debut before late summer at the earliest.

"We never planned to let so much time pass between public releases of the license, but we felt it was important to fully discuss a few specific issues, including the recent patent deal between Novell and Microsoft, before proceeding with the process," Licensing Compliance Engineer Brett Smith, of the Free Software Foundation, said on March 26.

The new discussion draft will reflect the outcome of those discussions, while an accompanying "rationale document" will explain how the Foundation arrived at those decisions, Smith said.

But Richard Stallman, executive director of the Free Software Foundation, has already said publicly what he plans to do to address the Microsoft-Novell deal.

Stallman allowed open-source evangelist and developer Bruce Perens to release a statement on the matter after Perens held a press conference March 19 in Salt Lake City to coincide with the first day of Novell's BrainShare conference.

The statement said the GPL is designed to ensure that redistributors of the program respect the freedom of those further downstream. "The GPL defends the freedom of all users by blocking the known methods of making free software proprietary," it said.

Novell and Microsoft tried, using Microsoft's patents, to give an advantage to Novell customers only, the statement said. "If they get away with scaring users into paying Novell, they will deny users the most basic freedom, freedom zero: the freedom to run the program. Microsoft has been threatening free software with software patents for many years, but without a partner in our community, the only thing it could do was threaten to sue users and distributors," it said.

"If nothing resists such deals, they will spread, and make a mockery of the freedom of free software. So we have decided to update the GPL not to allow such deals for the future software releases covered by GPL Version 3. Anyone making a discriminatory patent pledge in connection with distribution of GPL-covered software will have to extend it to everyone. ... In the meantime, let's make it clear to Novell that its conduct is not the conduct of a bona fide member of the GNU/Linux community," the statement said.

The agreement between Microsoft and Novell has also created conflicts and disagreements between the two companies themselves, with Novell's CEO even releasing an open letter to the open-source community rebuffing some of the claims made by Microsoft.

The FSF wanted to allow as much input as possible on this third draft

from the free software community, Smith said, noting that the drafting process has been adjusted to make sure that all interested parties have an opportunity to be heard.

As such, this third discussion draft will be open for comment for 60 days and, based on the feedback received during this time, "We may publish new language from time to time for additional review. For example, if someone points out a side effect of some term that we hadn't considered before, we may publish updated text for that section aimed at addressing the issue. These changes will be announced on the GPLv3 Web site and mailing list," Smith said.

The Foundation will continue to take feedback from public comments and discussion committees as before and, if there are common questions about the license, those will be addressed in blog posts on the GPLv3 Web site.

"Our goal is not to preempt discussion or criticism of the draft, but rather to enhance that discussion by helping the community fully understand the text. We are also considering other ways to solicit input, which we will announce as they are planned," Smith said.

At the end of the 60-day discussion period, a last-call draft will be published, which will be open for comment for 30 days, with the final license published shortly afterwards, he said.

"We would like to thank everyone for their continued support during this process, and their assistance as we work to make our licenses the best they can be," Smith concluded.

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