

# Latest Draft of GPL 3 Comes Under Fire

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Corporate reaction to the release of the third discussion draft of the GNU General Public License has been immediate and critical.

Corporate reaction to the release of the third discussion draft of the GNU GPL (General Public License) has been swift, much of it critical of the changes with how patents are dealt with.

The new draft, released on March 28 by the Free Software Foundation, includes changes to the license compatibility terms to make them easier to understand and administer, as well as narrowing the requirements in previous drafts so that manufacturers who include the software in consumer products must now also provide installation information for the software along with the source code.

New patent requirements have also been added to address the controversial Microsoft-Novell deal, which prevents distributors from colluding with patent holders to provide discriminatory protection from patents, said Brett Smith the FSF's licensing compliance engineer.

For his part Richard Stallman, the president of the FSF and principal author of the GPL, said the license was designed to ensure that all users of a program receive the four essential freedoms which define free software.

"The recent patent agreement between Microsoft and Novell aims to undermine these freedoms. In this draft, we have worked hard to prevent such deals from making a mockery of free software," he said.

While Horacio Gutierrez, Microsoft's vice president of intellectual property and licensing, was pleased that its deal with Novell had been "grandfathered" into the latest draft, he was unhappy that the license aimed to prevent similar future agreements.

"We note that the draft of the GPLv3 does not tear down the bridge Microsoft and Novell have built for their customers. It is unfortunate, however, that the FSF is attempting to use the GPLv3 to prevent future collaboration among industry leaders to benefit customers," he said.

Novell also welcomed the fact that there is nothing in the latest draft of the license that would inhibit its ability to include GPLv3 technologies in SUSE Linux Enterprise, openSUSE and other Novell open-source offerings, now and in the future, which is good news for its customers.

But the company also acknowledged the reality that this could change by the time the final version of the license is released, which is expected late this summer at the earliest. "If the final version of the GPLv3 does potentially impact the agreement we have with Microsoft, we'll address that with Microsoft," spokesman Bruce Lowry said.

He also noted that Novell was firmly committed to continuing the partnership with Microsoft as well as fully complying with the terms of the licenses for the software that it ships, including software licensed under GPLv3.

But some of the harshest criticism came from ACT, the Association for Competitive Technology, which said the latest draft was designed to limit cooperation between the open-source and proprietary software industry.

"The new GPL looks more like the U.S. Tax Code. The new draft no longer just defines freedom; it is designed to punish companies and

business models that Richard Stallman just doesn't like," said ACT executive director Morgan Reed.

Novell, Microsoft, TiVo, Nokia and Linux-based phone manufacturers were all in the crosshairs, he said, noting that the new version had now become so complex and "legally-squishy that it is essentially a full employment guarantee for intellectual property lawyers."

The new patent provision is designed to prevent software patent holders from providing a partner's customers with IP indemnification, by forcing them to indemnify all downstream users.

"This is essentially a poison pill for any such agreement in the future," Reed said.

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