Releasing Open Source Software at UCSD

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Who handles OSS policy at UCSD?

University of California, San Diego's polices pertaining to software licensing and copyright are handled by the UCSD Technology Transfer Office (TTO).

Relevant Links:

- UCSD's Technology Transfer Office (TTO)
- UC Office of the President (UCOP) Technology Transfer Office
- UC Copyright Education Website.

General Guidance

From the UCSD TTO

The TTO office provides some general guidance on the release of software on their FAQ page. For instance:

> **Q19: I have a software program that I want to post on the Internet so that other users may download it for "not-for-profit" uses for free. Is this allowed?**
>
> A: Yes. However, TTO has a "click-wrap simple permission statement" that you should post on or before the first page of your downloadable program.
>
> ...
>
> **Q21: Does the university allow the open-source release of software?**
>
> A: It is not UC San Diego's preferred practice. This is because of the "viral" or "infectious" nature that requires all downstream work to be released in the same manner. However, UC San Diego does allow open-source release when the following conditions are met:
>
> - All involved developers and authors consent to the request in writing.
> - There are no conflicting sponsor obligations (e.g. DFAR).
> - All developers and authors agree in writing that they will not pursue personal financial benefits from activities related to the use of the open-source released software (this is to comply with conflict-of-interest regulations).
>
> In addition, it should be noted that it is difficult to monitor and enforce the contractual obligations under open-source release.
>
> There are several types of licenses available for open-source software release. UC San Diego will, to the extent possible, use the Berkeley Software Distribution (BSD) license because it does not have the restrictive, evolving nature that is inherent in GPL licenses. The latest proposed version of the GPL also conflicts with UC policies governing patents and copyrights.

From the UC TAS Group

The UC Technology Acquisition Support Group (TAS) has developed a set of guidelines that have been approved by the UCOP Office of General Counsel: UC Guidelines for Contributing to OSS Communities.pdf

UC Software Copyright Notice

UCSD TTO requests that the UC Software Copyright Notice be included when open-sourcing software.

Text of the UC Software Copyright Notice

Note: What the UCSD TTO calls the UC Software Copyright Notice, UCOP TTO refers to as the Software On-Line Permission Statement.

What is a copyright notice?

The UCOP Copyright Basics page offers the following guidance (emphasis added).

What does a notice look like?

The standard form for a copyright notice on works belonging to the University is:

Copyright © 1996 The Regents of the University of California
All Rights Reserved

Acknowledging the Author

Per the same page, "acknowledgement of creators may be included, if desired."

Copyright © 1996 The Regents of the University of California
All Rights Reserved.

Created by John Smith and Mary Doe
Department of Statistics

Do I have to include the non-ASCII © symbol?

The most important thing is to include the word, "Copyright" in the notice:

*Since many keyboards cannot reproduce the © symbol, the **symbol (c)** may be used instead, although the latter symbol **will not always be accepted as a substitute**. Use of the symbol, ©, in combination with certain other requirements, allows copyright protection in some foreign countries. To ensure the enforceability of the copyright in the United States, **the word, "Copyright" must always appear in the notice**.*

What year should I use?

UCOP gives the following clarification on the date of copyright:

Insert the year the work was first published as well as any subsequent years when a modified version is published. Publication is defined in the Copyright Act as the distribution or offer of distribution of a work to the public by sale or other transfer of ownership or by rental, lease, or lending. If the work has not been offered for sale or transfer, it is not published.

What requires a notice?

> *All software, publications, multimedia and other copyrighted works developed on campus and belonging to the University should bear a clear, standard copyright notice imbedded in the title page or screen or other prominent location. Documentation accompanying software should also contain a copyright notice.*

GPL Compatibility with UC Software

According to the UCSD TTO, the latest proposed version of the GNU General Public License (GPL) **"conflicts with UC policies governing patents and copyright."**

Whenever licensing requirements are unclear, you should direct questions to them for clarification.

Using GPL (non-LGPL) Libraries

With respect to whether software that uses GPL-licensed libraries, here's the Free Software Foundation's (FSF) position from their FAQ page:

> **If a library is released under the GPL (not the LGPL), does that mean that any software which uses it has to be under the GPL or a GPL-compatible license? (*#IfLibraryIsGPL*)**
>
> *Yes, because the software as it is actually run includes the library.*

There is a debate as to whether the way in which the library is used (bundled, dynamically-linked, or statically-linked) constitutes work that must also be licensed under the GPL. When in doubt, contact the TTO.

GPL with Exceptions or Clarifications

Some software is released under the terms of GPL with additional text to clarify or alter the terms of the license. Notably, the GCC Runtime Library Exception and the GNU Classpath project's license.

GNU Classpath's license is worth highlighting because it has a "GPL linking exception" that addresses its use as a library.

For background, GNU Classpath is "a GNU project to create free core class libraries for use with virtual machines and compilers for the java programming language."

Here's the text of their "clarification and special exemption" from the GNU Classpath License page at gnu.org:

> *Linking this library statically or dynamically with other modules is making a combined work based on this library. Thus, the terms and conditions of the GNU General Public License cover the whole combination.*
>
> *As a special exception, the copyright holders of this library give you permission to link this library with independent modules to produce an executable, regardless of the license terms of these independent modules, and to copy and distribute the resulting executable under terms of your choice, provided that you also meet, for each linked independent module, the terms and conditions of the license of that module. An independent module is a module which is not derived from or based on this library. If you modify this library, you may extend this exception to your version of the library, but you are not obligated to do so. If you do not wish to do so, delete this exception statement from your version.*

The page then explains:

> As such, it can be used to run, create and distribute a large class of applications and applets. When GNU Classpath is used unmodified as the core class library for a virtual machine, compiler for the java languge, or for a program written in the java programming language it does not affect the licensing for distributing those programs directly.

Plug-ins

According to the FSF's FAQ on GNU Licenses, the circumstances concerning whether a plug-in can or must be GPL-licensed.

Installers

According to the FSF, "the installer and the files it installs are separate works."

Is the developer of a GPL-covered program bound by the GPL?

> *Is the developer of a GPL-covered program bound by the GPL? Could the developer's actions ever be a violation of the GPL? (#Dev eloperViolate)*

Strictly speaking, the GPL is a license from the developer for others to use, distribute and change the program. The developer itself is not bound by it, so no matter what the developer does, this is not a "violation" of the GPL.