ABA OSS May 22th 2017 Committee Call Summary

Thank you everyone who joined our call today. Please join us for our next Open Source Committee call, which will be held on July 17th, 2017 at 10am Pacific Time. Here is a call summary.

5/22 Agenda:

1. Introductions and Presentation: Thanks to Karen Sandler, Executive Director of the SFC for joining the call. Karen, who had a previous legal life as a securities attorney, when asked if she or the SFC had a position on medical devices and OSS, opined: “just because software is closed and proprietary doesn’t make it safe” and encouraged those on the call to routinely ask for source code when negotiating procurement contracts, and to exercise offers for source code. (Later I asked: do you know of any resources for sharing contract language that has successfully been used to request that source code be placed in escrow? We may have follow up.) Karen gave the committee and update on Hellwig v. VMware. Disclosure: SFC is funding the litigation, which is taking place in Germany, but (Karen? SFC?) is not privy to the negotiations. Kristoff Hellwig, the P, is based in Europe and Karen noted some differences between US and German litigation (Link: https://sfconservancy.org/copyleft-compliance/vmware-lawsuit-faq.html ). Karen’s comments addressed a legal perspective whose primary goal is compliance, specifically to requirements of the GPLv 3. Joanne asked her to comment further, at which point Karen contrasted to GPLv 2.

2. Opportunities to share ideas and information: Update on ABA annual meeting: The proposal (Machine Learning: Is there any legal justification to argue that using OSS will improve ethical conduct in ML?) was not accepted for the ABA Annual meeting showcase, however the committee will still be represented at the meeting and, as the research is of continuing relevance, please feel free to reach out if interested in participating in a meeting, during the annual meeting, regarding the research. -
3. Update on active cases:

- Joanne gave an update on Artifex, which offers Ghostscript (*Plaintiff Artifex filed suit to enforce its rights against defendant Hancom, asserting copyright infringement and breach of contract. Hancom’s motion to dismiss was denied by the DC of the Northern District of California*), and also inquired if some party would like to keep the committee updated on this matter. Karen offered: one issue may be whether GPL is a license or a contract.

Thank you,

Martha C. Chemas, Esq.