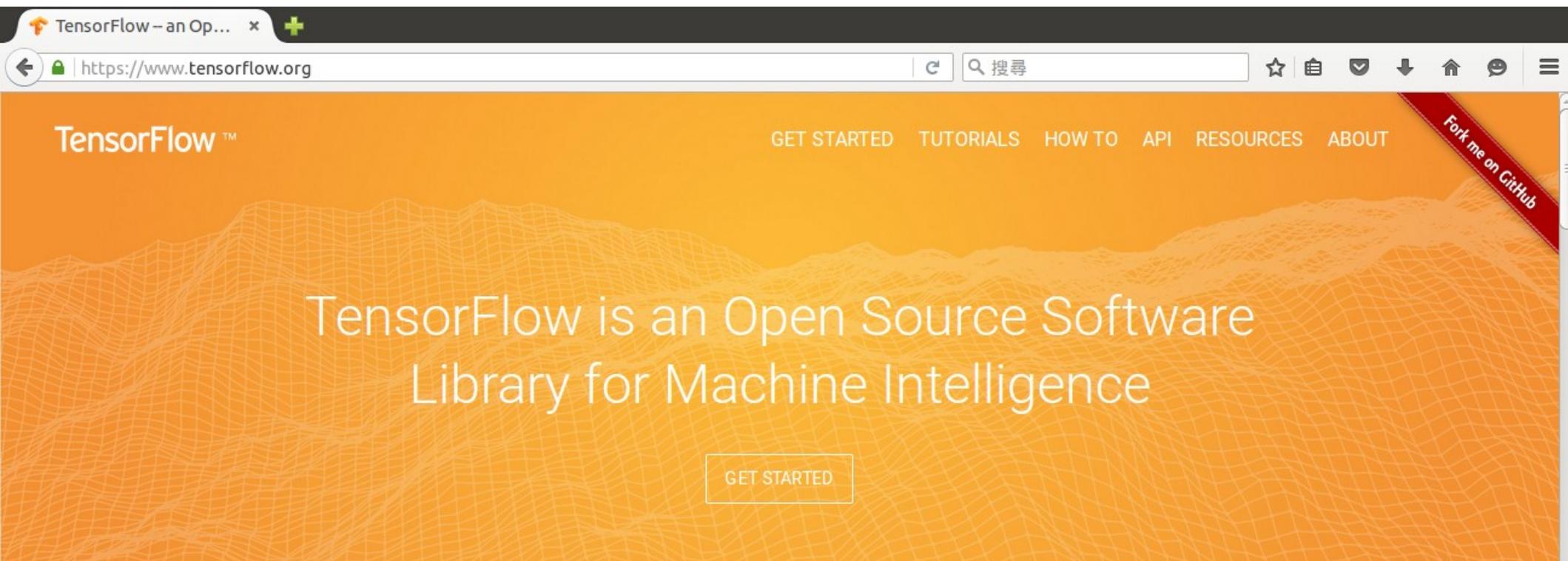


開源軟體法制授權 與供應鏈協作

林誠夏 開放文化基金會 法制顧問 / Lucien C.H. Lin, Legal Adviser at Open Culture Foundation
Email: lucien.cc@gmail.com / lucien@ocf.tw

資策會創研所 - 開源雲端軟體應用與技術研討會

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About TensorFlow

TensorFlow™ is an open source software library for numerical computation using data flow graphs. Nodes in the graph represent mathematical operations, while the graph edges represent the multidimensional data arrays (tensors) communicated between them. The flexible architecture allows





<http://readwrite.com/2013/12/19/the-genius-of-linux-is-community-not-technology#awesm=~ovezrNTT0huSXw>

Company	Changes	Total
None	12,550	13.6%
Red Hat	9,483	10.2%
Intel	8,108	8.8%
Texas Instruments	3,814	4.1%
Linaro	3,791	4.1%
SUSE	3,212	3.5%
Unknown	3,032	3.3%
IBM	2,858	3.1%
Samsung	2,415	2.6%
Google	2,255	2.4%
Vision Engraving Systems	2,107	2.3%
Consultants	1,529	1.7%
Wolfson Microelectronics	1,516	1.6%
Oracle	1,248	1.3%
Broadcom	1,205	1.3%

Company	Changes	Total
NVIDIA	1,192	1.3%
Freescale	1,127	1.2%
Ingics Technology	1,075	1.2%
Renesas Electronics	1,010	1.1%
Qualcomm	965	1.0%
Cisco	871	0.9%
The Linux Foundation	840	0.9%
Academics	831	0.9%
AMD	820	0.9%
Inktank Storage	709	0.8%
NetApp	707	0.8%
LINBIT	705	0.8%
Fujitsu	694	0.7%
Parallels	684	0.7%
ARM	664	0.7%

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~~降低成本~~

提高競爭

不謀而合

Cooperation without coordination

Communities / 開源社群

開發者、使用者、推廣者，
也包括商業公司！



此圖下載於 MySQL 網站：<http://www.mysql.com/>，本次取用特別聲明在自由開源軟體推廣演講中主張「合理使用」，請讀者不要更行移置他用。

多人共工

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Shared Services Canada



- Email Platform
- Data Centres
- Telecommunications
- Workplace Technology
- Doing Business with Us
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Home > Doing Business with Us > Information Technology Infrastructure Roundtable > Architecture Framework Advisory Committee > 2015 > Open Source Software at Shared Services Canada

Doing Business with Us

IT Infrastructure Roundtable

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Main Roundtable meetings

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Innovative Canadian Enterprises Advisory Committee

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Smart Sourcing Advisory Committee

Procurement

Telecommunications and Non-Telecommunications Services

Open Source Software at Shared Services Canada

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Purpose

To obtain feedback from Architecture Framework Advisory Committee (AFAC) members on:

- Best practices in establishing open source software (OSS) governance
- Strategies for OSS support services

Agenda

- Background and Definition
- Strategic Considerations
- Government Context
- Draft* Position of Shared Services Canada (SSC)
- Discussion Points

*To be further developed in light of feedback received from AFAC members

Background / State of Open Source Software

OSS is everywhere and present in most organizations



Bulgaria passes law requiring government software to be open source

Amendments to the country's Electronic Governance Act have been voted on in Parliament and are now in effect.



By Jonathan Chadwick | July 5, 2016 -- 04:23 GMT (12:23 GMT+08:00) | Topic: [Enterprise Software](#)



Amendments have been passed by the Bulgarian Parliament requiring all software written for the government to be open source and developed in a public repository, making custom software procured by the government accessible to everyone.

Article 58 of the *Electronic Governance Act* states that administrative authorities must include the following requirements: "When the subject of the contract includes the

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<http://file.data.gov.tw/opendatafile/%E5%85%B1%E9%80%9A%E6%80%A7%E8%B3%87%E6%96%99%E5%AD%98%E5%8F%96%E6%87%89%E7%94%A8%E7%A8%8B%E5%BC%8F%E4%BB%8B%E9%9D%A2API%E8%A6%8F%E7%AF%84.pdf>



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643	3343	27
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11	21	

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編號、調查日期、縣市別、區別、里別、經度座標、緯度座標、調查種類、調查戶數、陽性戶數、調查容器數、陽性容器數、布氏指數、容器指數

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webservice

登革熱專區

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大台南公車路線、時刻及票價資訊 (市區公車)

HTML

臺南市公告土地現值表

臺南市各年度公告土地現值

CSV

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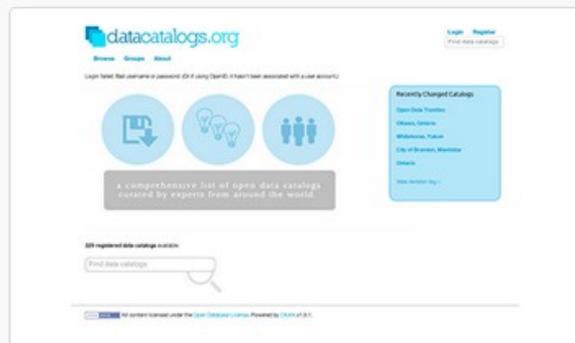
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The CKAN data management platform is in use by numerous governments, organisations and communities around the world. Being open source, we don't know of all the instances, but here is a showcase of the ones we are aware of. We are proud and excited to see all the different uses being made of CKAN - if you would like to see your CKAN instance here [add it to the CKAN Census!](#)

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datacatalogs.org
At datacatalogs.org, a group of Open Data experts from around the world maintain a



ECAI Data Portal
The Electronic Cultural Atlas Initiative, based at University of California, Berkeley, is a global

RECENT POSTS

- Call for translations for CKAN > 2.7
- Announcing the data.world > Extension Public Release for CKAN
- CKAN Extensions: > ClimateTagger

TWEETS

RT @link_digital : A few months ago, we teamed up with @datadotworld to co-develop a @CKANproject extension <http://t.co/XKFWq3e1oL> <https://...>

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開放程式源碼

```
Copyright (c) 1997-2005 Herbert Xu <herbert@gondor.apana.org.au>
* was re-ported from NetBSD and debianized.
*/
#ifdef STANDALONE
# include <stdbool.h>
# include <stdio.h>
# include <stdlib.h>
# include <string.h>
# include <unistd.h>
# define FAST_FUNC /* nothing */
# define PUSH_AND_SET_FUNCTION_VISIBILITY_TO_HIDDEN /* nothing */
# define POP_SAVED_FUNCTION_VISIBILITY /* nothing */
#else
# include "libbb.h"
#endif
#include <fnmatch.h>
#include "match.h"

char* FAST_FUNC scan_and_match(char *string, const char *pattern, unsigned flags)
{
    char *loc;
    char *end;
    unsigned len = strlen(string);
    int early_exit;

    /* We can stop the scan early only if the string part
     * we are matching against is shrinking, and the pattern has
     * an unquoted "star" at the corresponding end. There are two cases.
     * Case 1:
     * "qwerty" does not match against pattern "*zy",
     * no point in trying to match "werty", "erty" etc:
     */
    early_exit = (flags == (SCAN_MOVE_FROM_LEFT + SCAN_MATCH_RIGHT_HALF) && pattern[0] == '*');

    if (flags & SCAN_MOVE_FROM_LEFT) {
        loc = string;
        end = string + len + 1;
    } else {
        loc = string + len;
        end = string - 1;
        if (flags == (SCAN_MOVE_FROM_RIGHT + SCAN_MATCH_LEFT_HALF)) {
            /* Case 2:
             * "qwerty" does not match against pattern "qz*",
             * no point in trying to match "qwert", "qwer" etc:
             */
            const char *p = pattern + strlen(pattern);
            if (--p >= pattern && *p == '*') {
                early_exit = 1;
                while (--p >= pattern && *p == '\\')
                    early_exit ^= 1;
            }
        }
    }
}
```

此頁面程式碼擷取自 BusyBox 1.21.1 的源碼檔案” match.c”，採用「GPL-2.0 及其後續版本」來授權，利用程式碼請遵守授權規則，授權規則說明請見：<http://www.busybox.net/license.html>。BusyBox 1.21.1 程式碼下載：<http://www.busybox.net/downloads/>。

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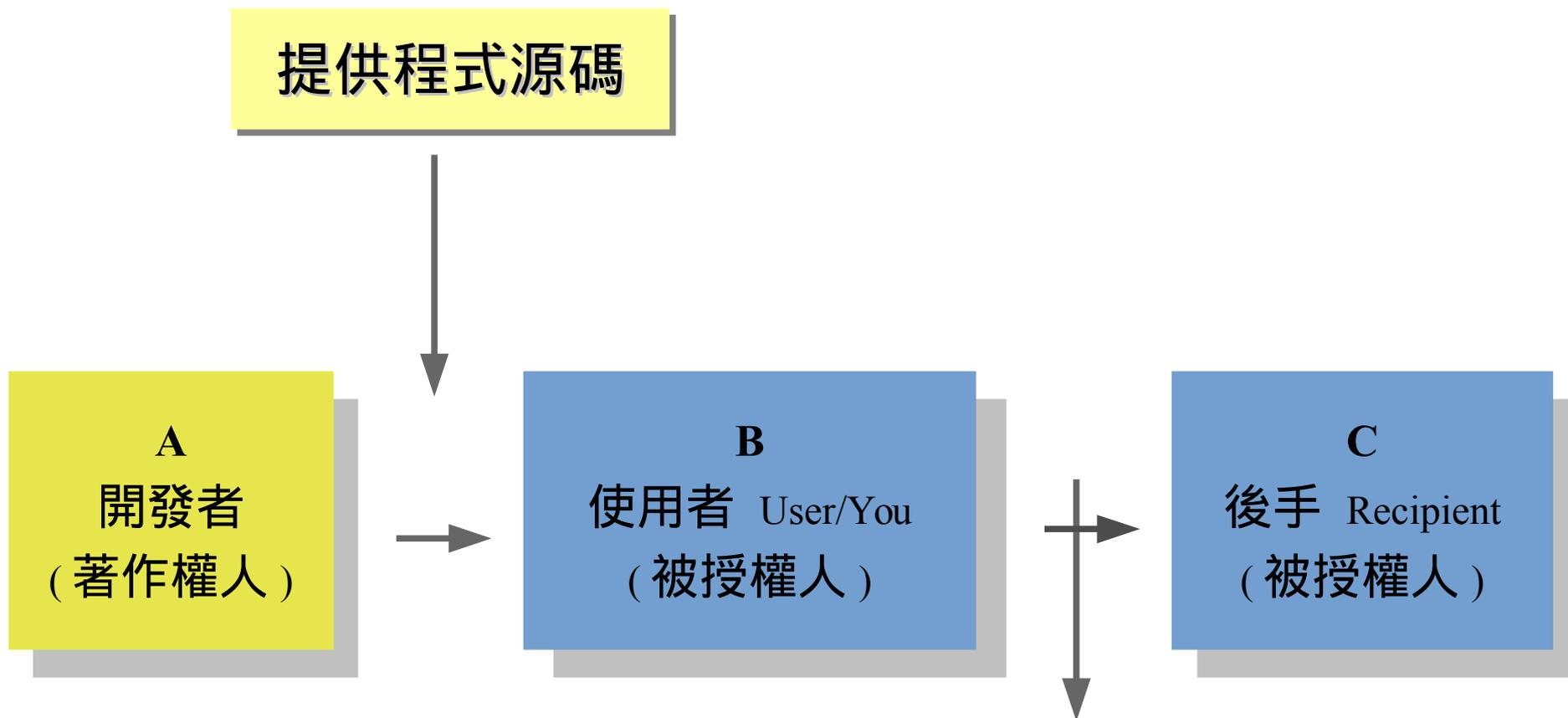
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github

1,379,884 people hosting over 2,288,000 repositories
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ideal for the collabor

Free public repo

Team management
30 seconds to give peop
access to code. No SSH
required. Activity feeds ke
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2017/07/21

LibreOffice
The Document Foundation

享受 LibreOff

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LibreOffice 3.3 (2011-01-25)

系統需求

- Microsoft Windows 2000 (Service Pack 4 或較
- Pentium 相容 PC (Pentium III, Athlon 以上,)
- 256 MB RAM (建議 512 MB RAM);

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100x118 | 200x237
Illustrator (.ai)



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Z008



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Google Android One 2014
sprout4



Google Android One 2014
sprout8



Google Nexus 4
mako



Google Nexus 5
hammerhead



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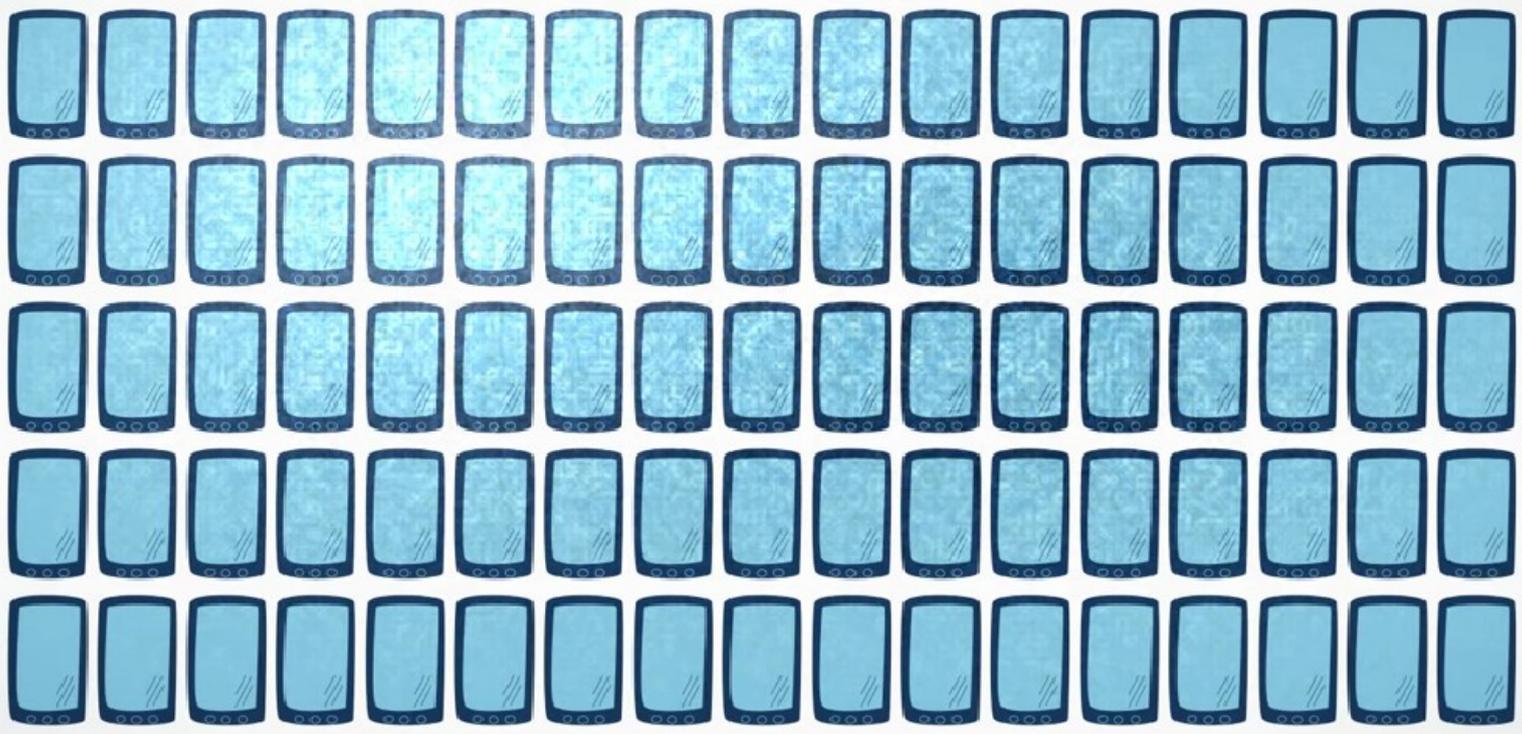
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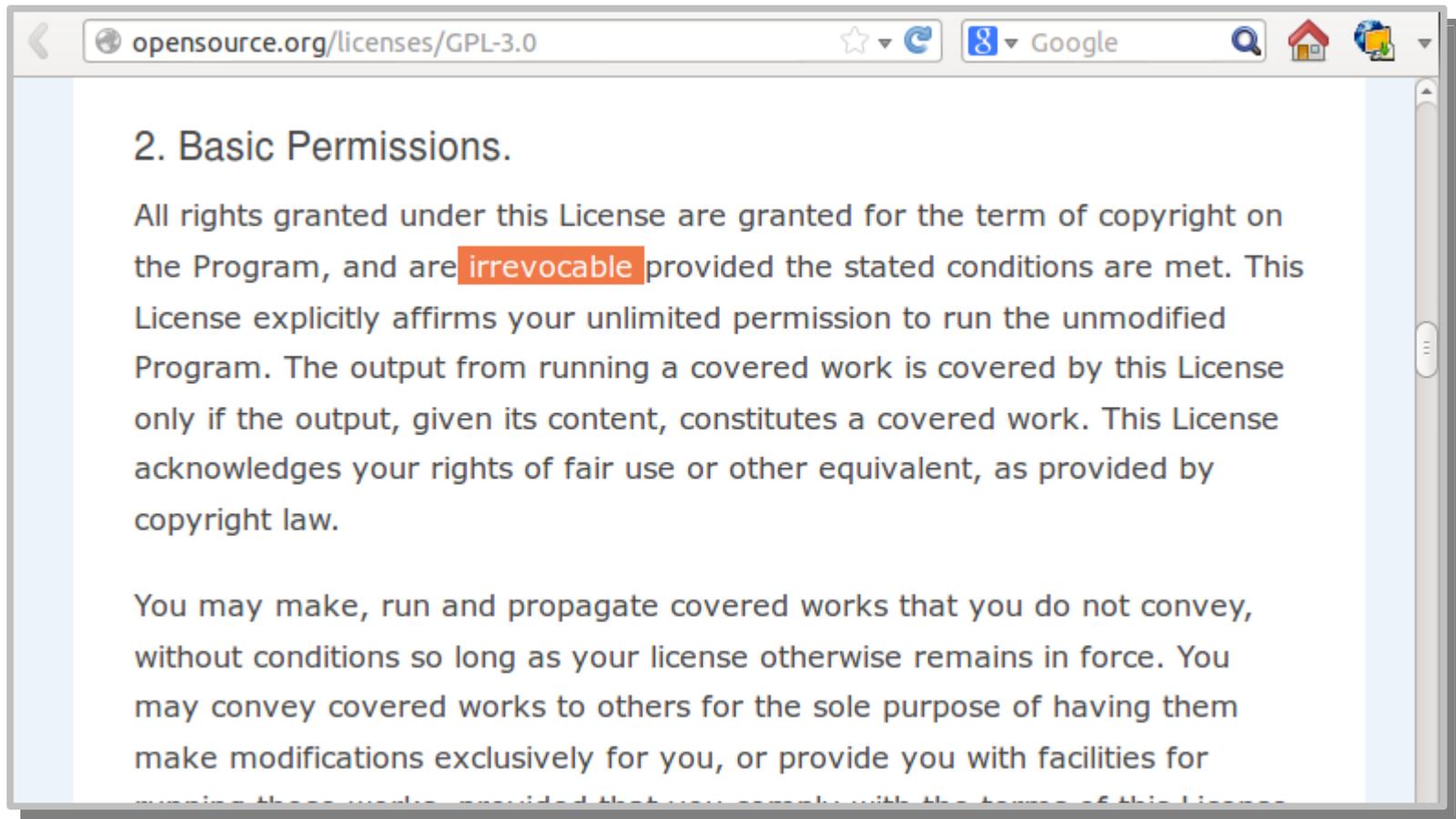
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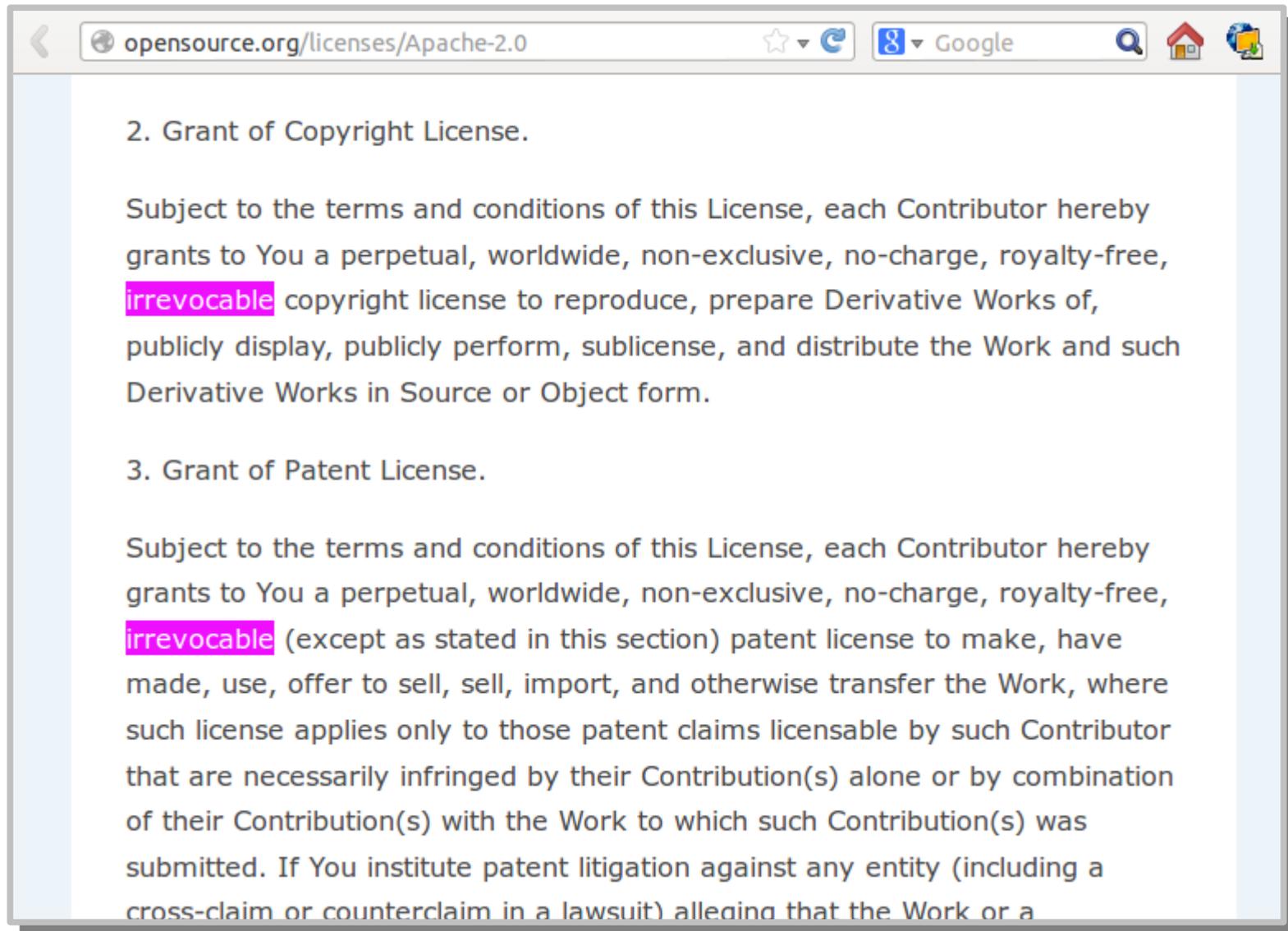
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- **不附隨擔保**
- 釋放四大自由予後手

衡平原則

天下沒有白吃的午餐

沒有綠豆的綠豆湯

強制禁止規定

例一：歐盟境內賣出的產品附隨二年產品保固責任

例二：我國民法規定出賣人負有瑕疵擔保責任

六大特性

- 開放程式源碼
- 不限制授權對象與使用地域
- 不收取授權金
- 授權不可撤回
- 不附隨擔保
- 釋放四大自由予後手

四大自由

- 執行程式的自由。
- 研究與修改程式的自由。
- 再次散布程式的自由。
- 散布修改版本，藉此回饋社群並促進改良其他程式的自由。

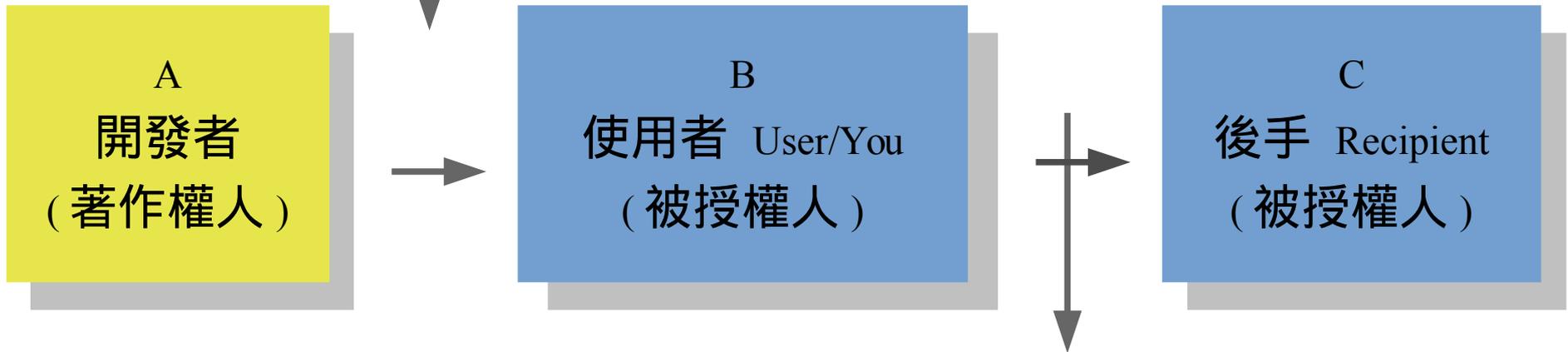
授權條款三大分類

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2017/07/21

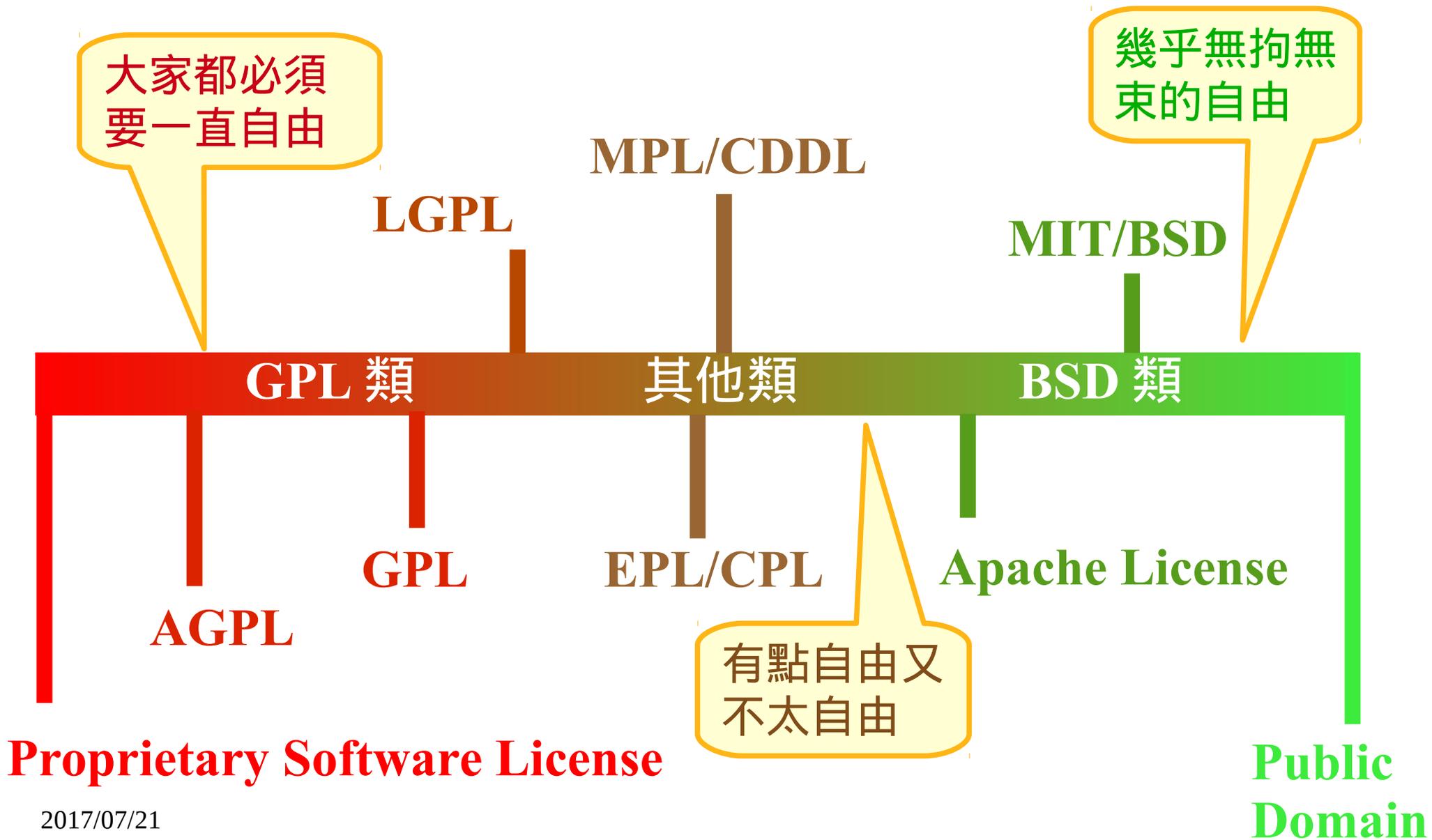
提供程式源碼



是否提供程式源碼？

1. 依授權條款規定
2. 依使用者意願

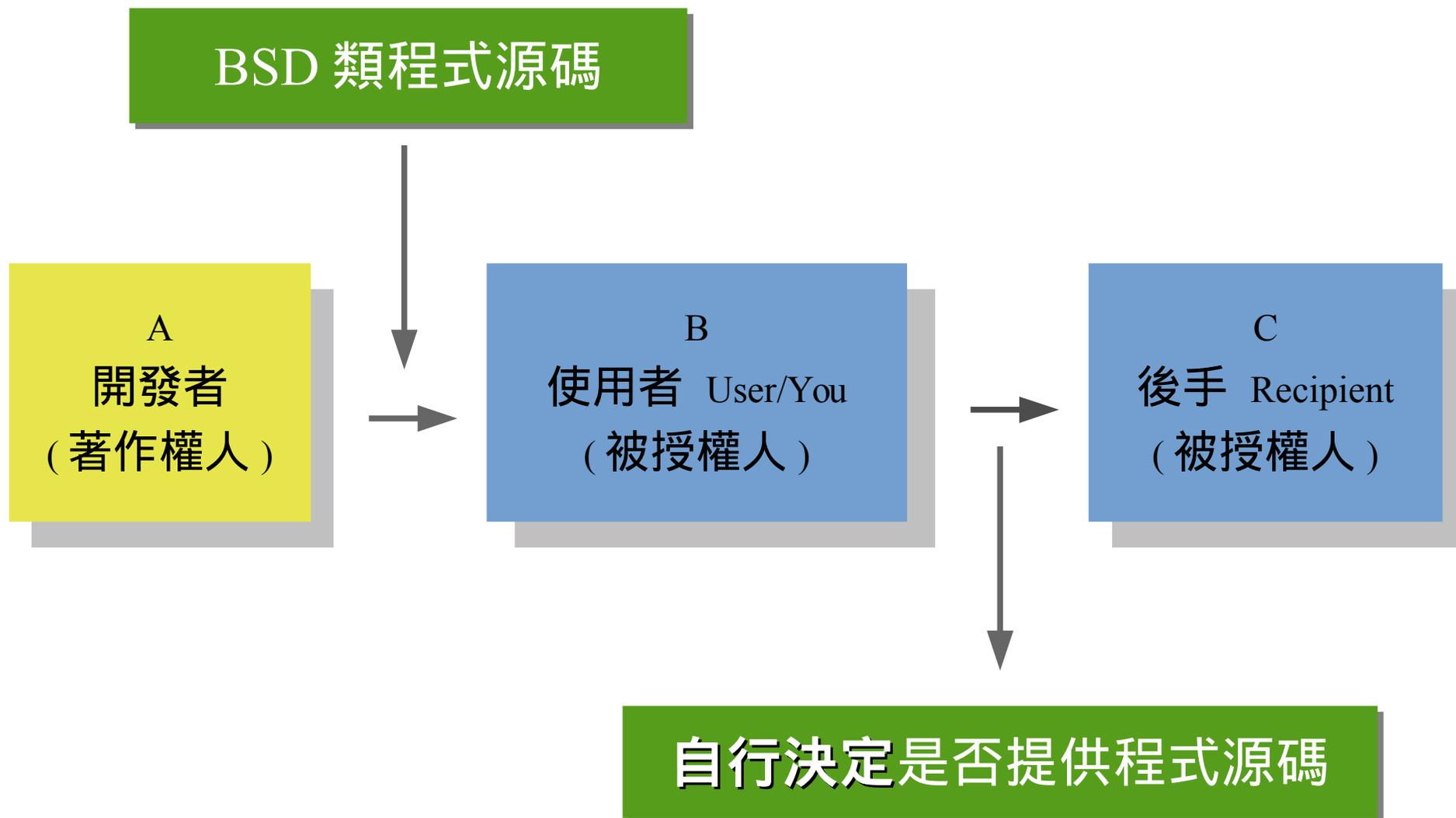
**再散布時，
是否有義務提供程式源碼？**



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 - 明示提醒可收費提供擔保
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 - 專利權行使抑制條款
 - 相容於 GPL3、不相容於 GPL2

再散布時是否提供源碼： BSD 類



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安裝 Windows 之前要
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PostgreSQL



freeBSD®





日本 PostgreSQL ユーザ会

★ 9.5.3 日本語ドキュメント ★

(PDF版、EPUB版もあります。)

日本PostgreSQLユーザ会

日本 PostgreSQL ユーザ会は、PostgreSQL の普及促進を目的に活動する特定非営利活動 (NPO) 法人です。

- [本会の目的](#)
- [協賛会員](#)
- [理事会 / 総会](#)
- [会員制度について / Web 会員申し込み](#)
- [メーリングリスト](#)
- [JPUG感謝賞](#)
- [イベント予定](#)

PostgreSQL

PostgreSQLはフリー(料金、ライセンス、2次配布)で利用できるオープンソースのオブジェクトリレーショナルデータベース管理システム (ORDBMS)です。PostgreSQL Global Development Groupにより開発されています。

最新版

- 9.5.3 · May 12, 2016 · [Notes](#)
- 9.4.8 · May 12, 2016 · [Notes](#)
- 9.3.13 · May 12, 2016 · [Notes](#)
- 9.2.17 · May 12, 2016 · [Notes](#)
- 9.1.22 · May 12, 2016 · [Notes](#)

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PostgreSQLポータル

PostgreSQLの更なる普及促進を目指して情報提供をするポータルサイト「Let's Postgres」の更新情報を表示しています。

[LATERALを使ってみよう](#)

更新 2015-12-03

[pgpool-II 3.4の新機能](#)

更新 2014-12-17

[PostgreSQL 9.3の新機能](#)

更新 2014-11-21

[Clustering and Replication Developers Summit pgCon 2014 参加レポート](#)

更新 2014-08-21

[PostgreSQL Conference 2014 参加レポート](#)

更新 2014-08-21



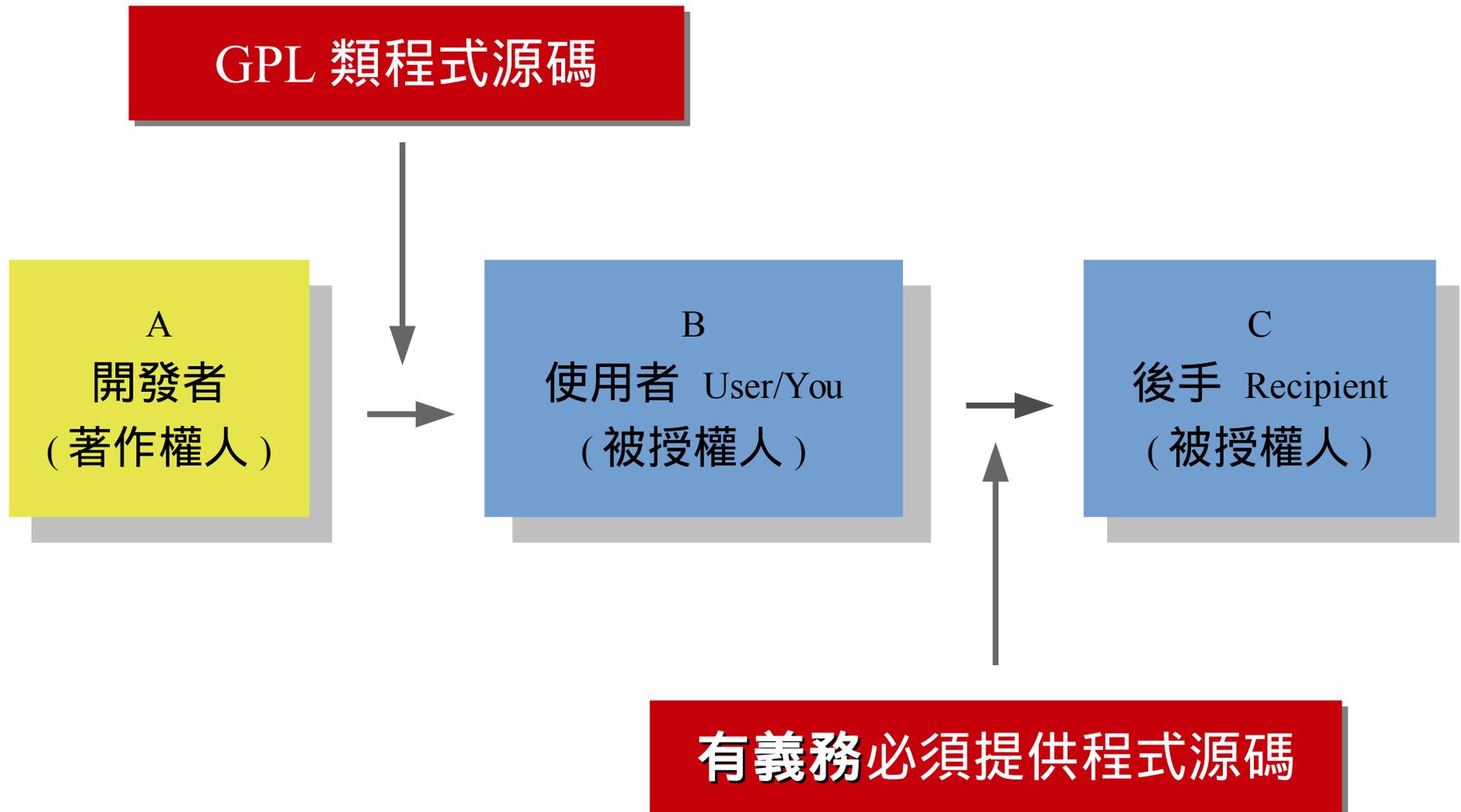
News

- [JPUG 2016 夏セミナー](#)
2016-05-10
 - [PostgreSQLカンファレンス 2015](#)
2015-08-30
 - [オープンソースカンファレンス 2015 Hokkaido](#)
2015-06-08
 - [PostgreSQLアンカンファレンス@東京\(2015/5/30\)](#)
2015-06-03
 - [JPUG合宿 2015 熱海](#)
2015-03-04
- [More news...](#)

Recent Changes

- [最近のイベント予定](#)
2016-07-15
- [第 11 回 総会](#)
2016-06-23
- [第 10 回 総会](#)
2016-06-23
- [第125回理事会議事録](#)
2016-06-23

再散布時是否提供源碼： GPL 類



1. **修改** GPL 程式產生「**衍生程式**」，此衍生程式必須採用 GPL 授權。
2. **散布** GPL 衍生程式必須**提供**程式源碼

1. The "**work based on** the GPL-licensed Program" should be provided under GPL

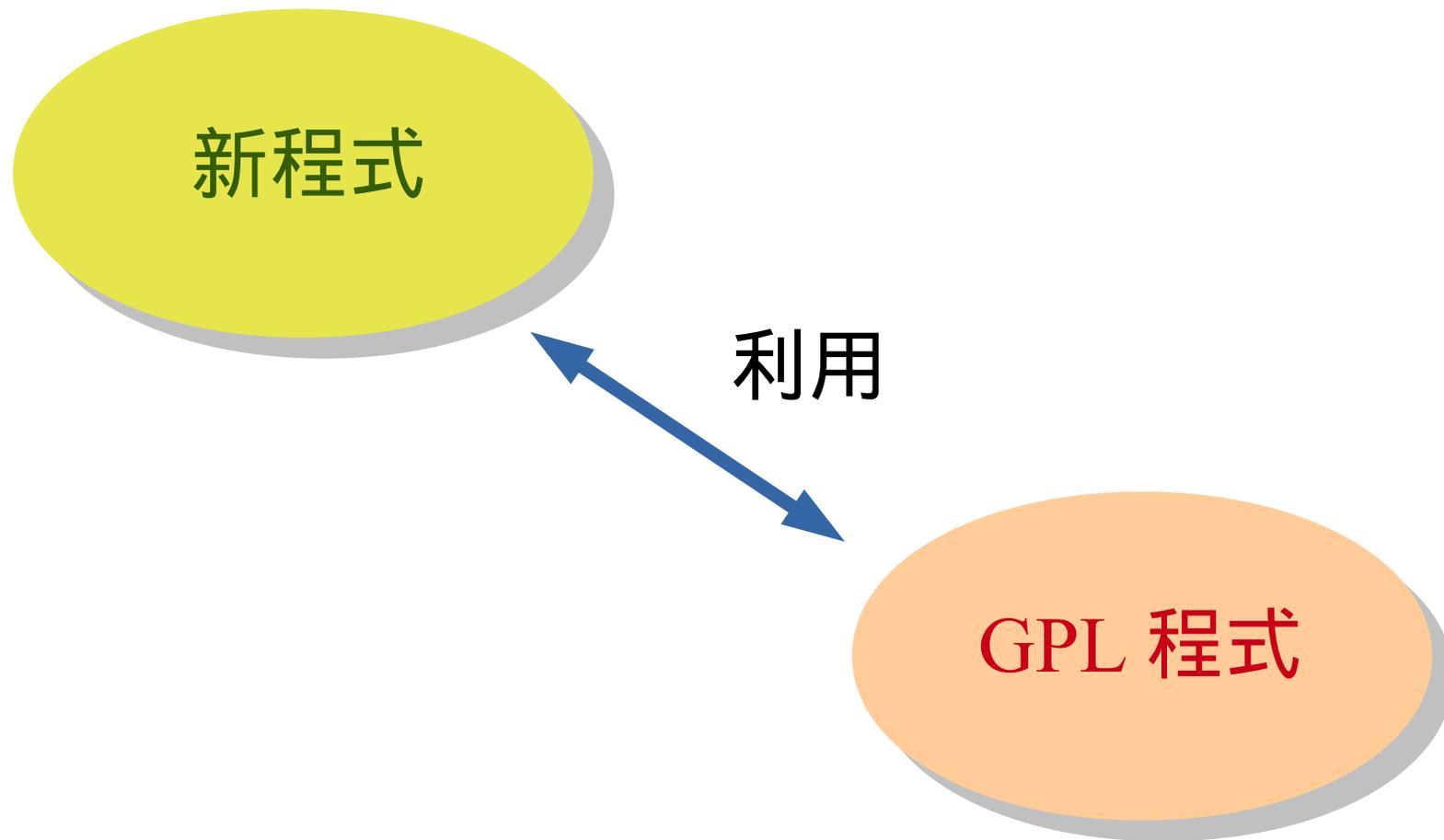
2. **Object Code** → **Source Code**

(**Binary Form** → **Source Form**)

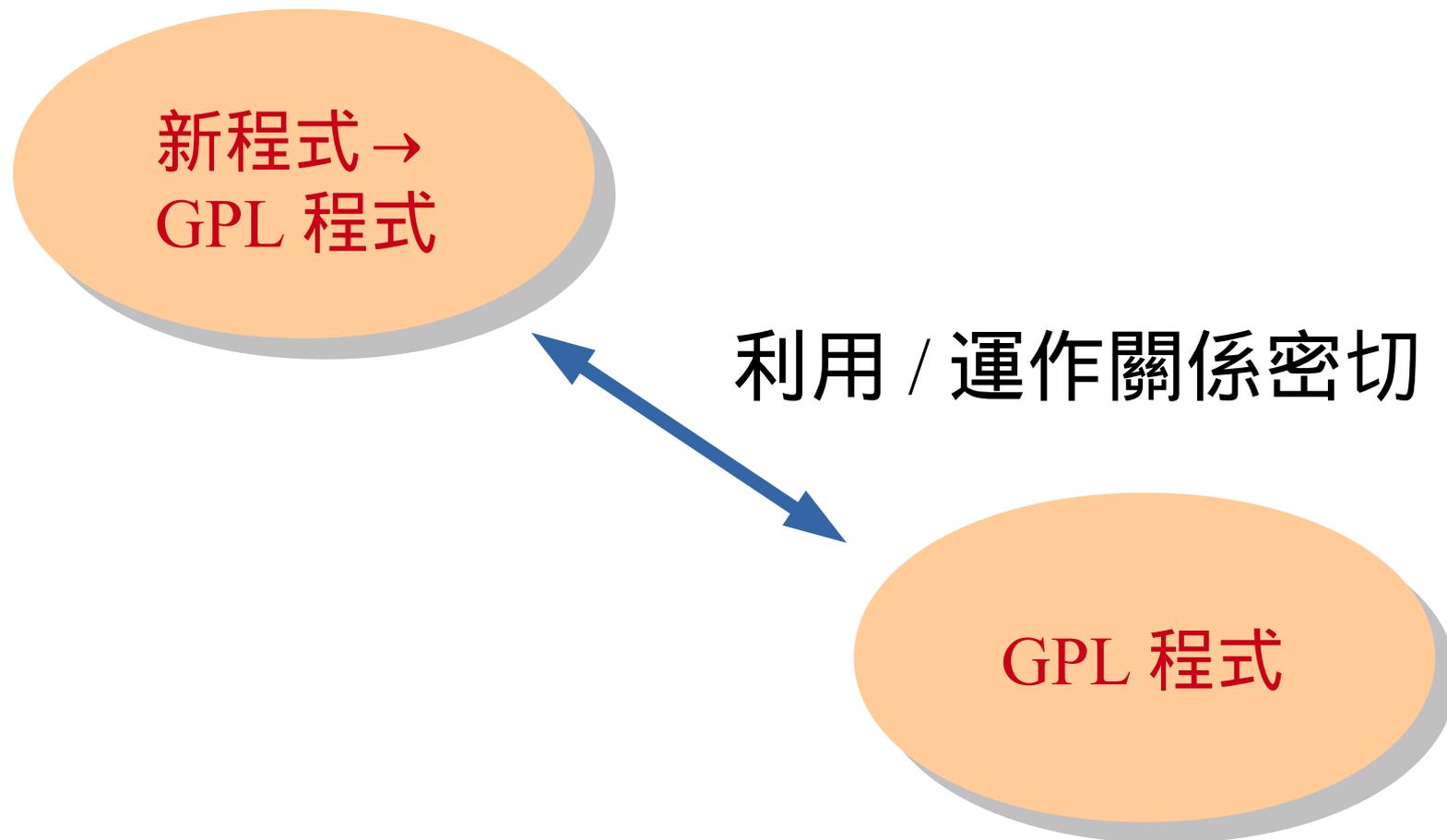
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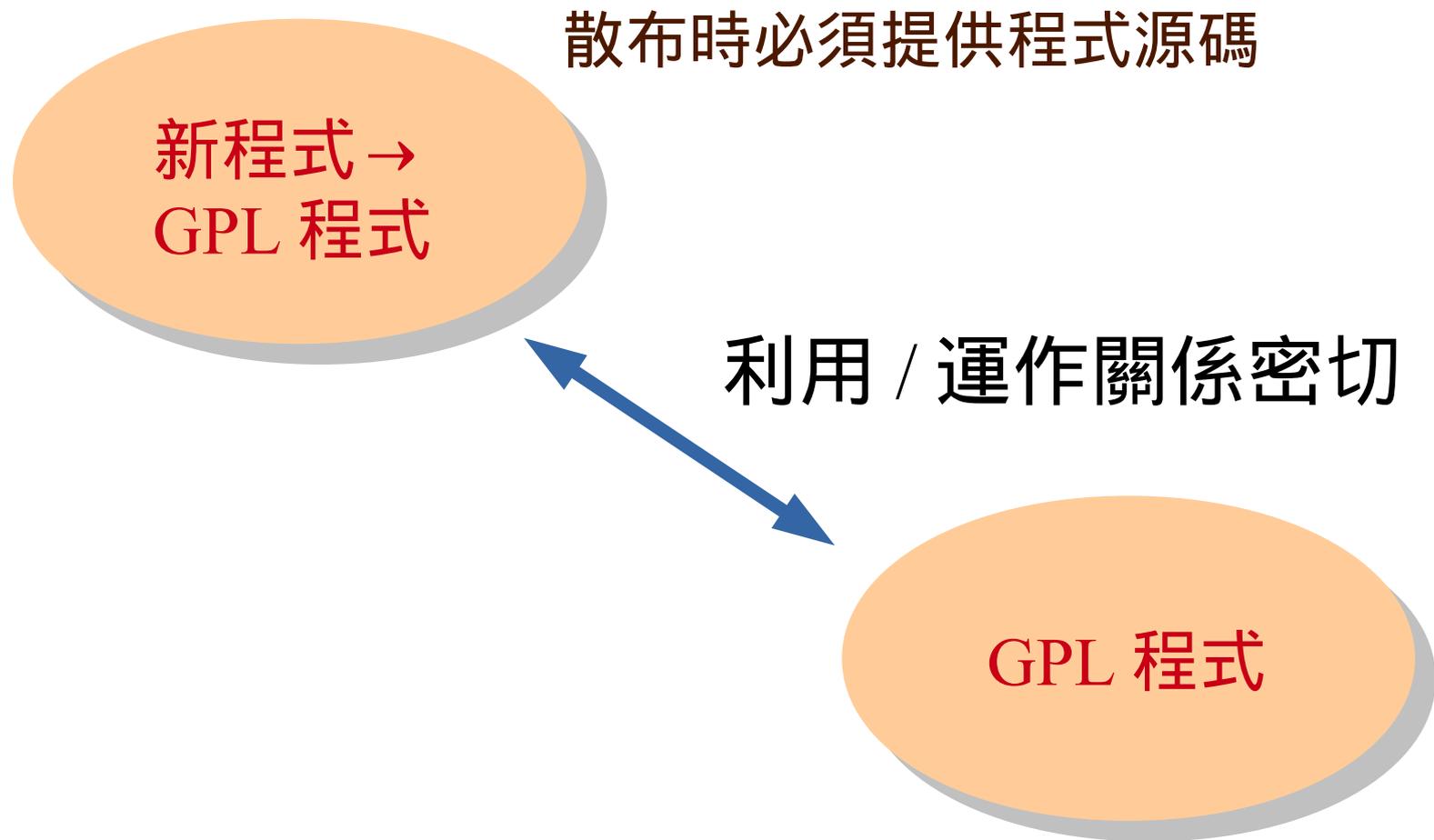
Strictly Copyleft 示意圖： GPL 為例 1/3



Strictly Copyleft 示意圖： GPL 為例 2/3



Strictly Copyleft 示意圖： GPL 為例 3/3



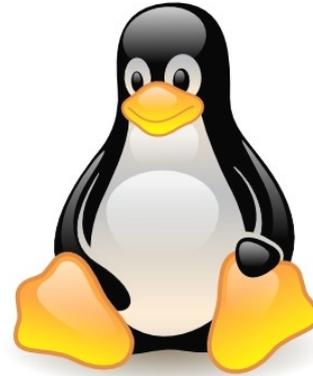
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- License Inheritance / 授權承繼性

Copyleft 著佐權機制

- 以實踐四大自由理念為目的。
- 以著作權為基礎。
- 反向運用，將使用、散布、修改與重製程式等權利事先授予使用者。
- 修改後的程式碼仍然必須採用相同方式來授權。





The Linux Kernel Archives



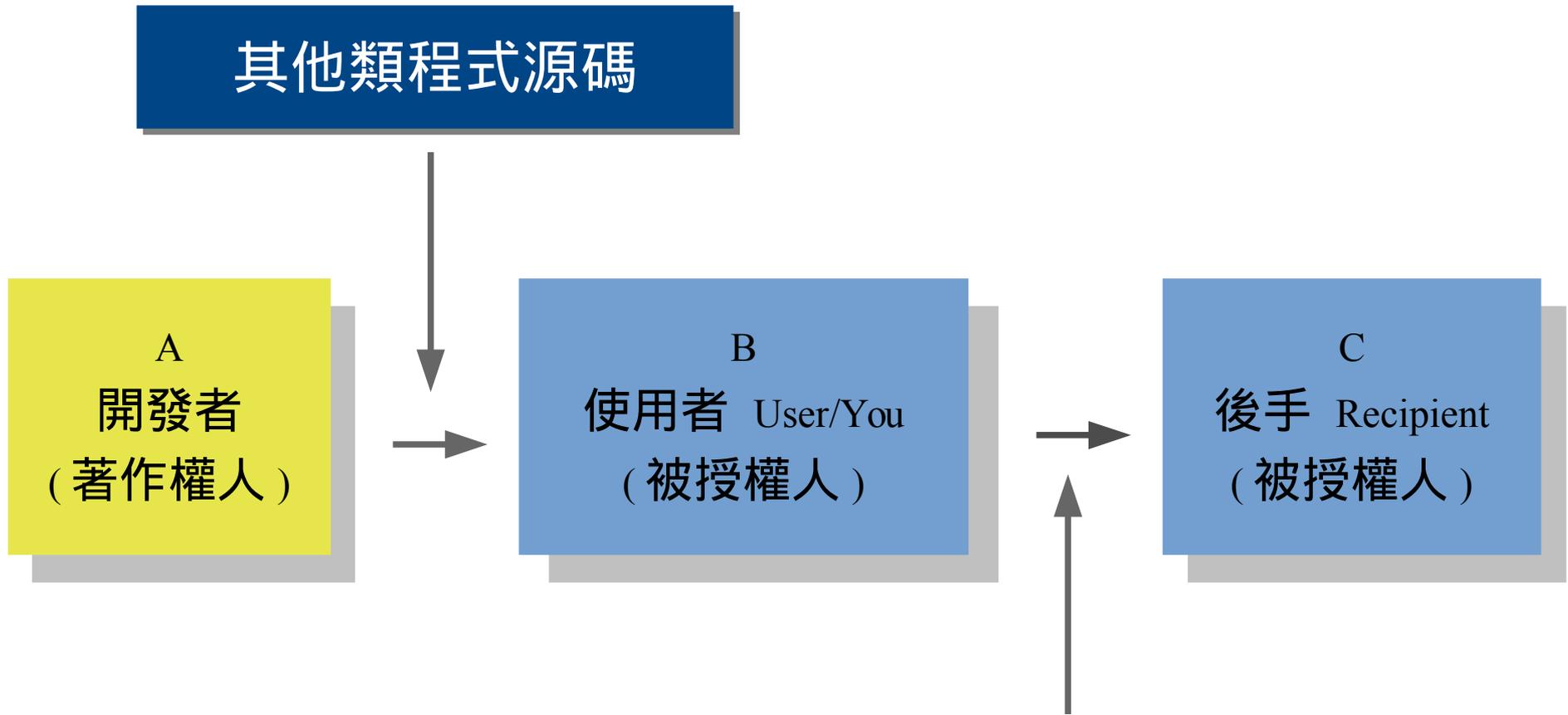
- About
- Contact us
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Protocol	Location
HTTP	https://www.kernel.org/pub/
GIT	https://git.kernel.org/
RSYNC	rsync://rsync.kernel.org/pub/

Latest Stable Kernel:
 **4.6.4**

mainline:	4.7-rc7	2016-07-11	[tar.xz] [pgp] [patch]	[view diff] [browse]
stable:	4.6.4	2016-07-11	[tar.xz] [pgp] [patch] [inc. patch]	[view diff] [browse] [changelog]
stable:	4.5.7	2016-06-08	[tar.xz] [pgp] [patch] [inc. patch]	[view diff] [browse] [changelog]
longterm:	4.4.15	2016-07-11	[tar.xz] [pgp] [patch] [inc. patch]	[view diff] [browse] [changelog]
longterm:	4.1.28	2016-07-13	[tar.xz] [pgp] [patch] [inc. patch]	[view diff] [browse] [changelog]
longterm:	3.18.37	2016-07-13	[tar.xz] [pgp] [patch] [inc. patch]	[view diff] [browse] [changelog]
longterm:	3.16.36	2016-06-15	[tar.xz] [pgp] [patch] [inc. patch]	[view diff] [browse] [changelog]
longterm:	3.14.73	2016-06-24	[tar.xz] [pgp] [patch] [inc. patch]	[view diff] [browse] [changelog]
longterm:	3.12.61	2016-06-20	[tar.xz] [pgp] [patch] [inc. patch]	[view diff] [browse] [changelog]
longterm:	3.10.102	2016-06-12	[tar.xz] [pgp] [patch] [inc. patch]	[view diff] [browse] [changelog]
longterm:	3.4.112	2016-04-27	[tar.xz] [pgp] [patch] [inc. patch]	[view diff] [browse] [changelog]
longterm:	3.2.81	2016-06-15	[tar.xz] [pgp] [patch] [inc. patch]	[view diff] [browse] [changelog]
linux next:	next-20160715	2016-07-15		[browse]

再散布時是否提供源碼：其他類



1. 原則上有義務必須提供程式源碼
2. 若修改則有機會自行決定是否提供程式源碼

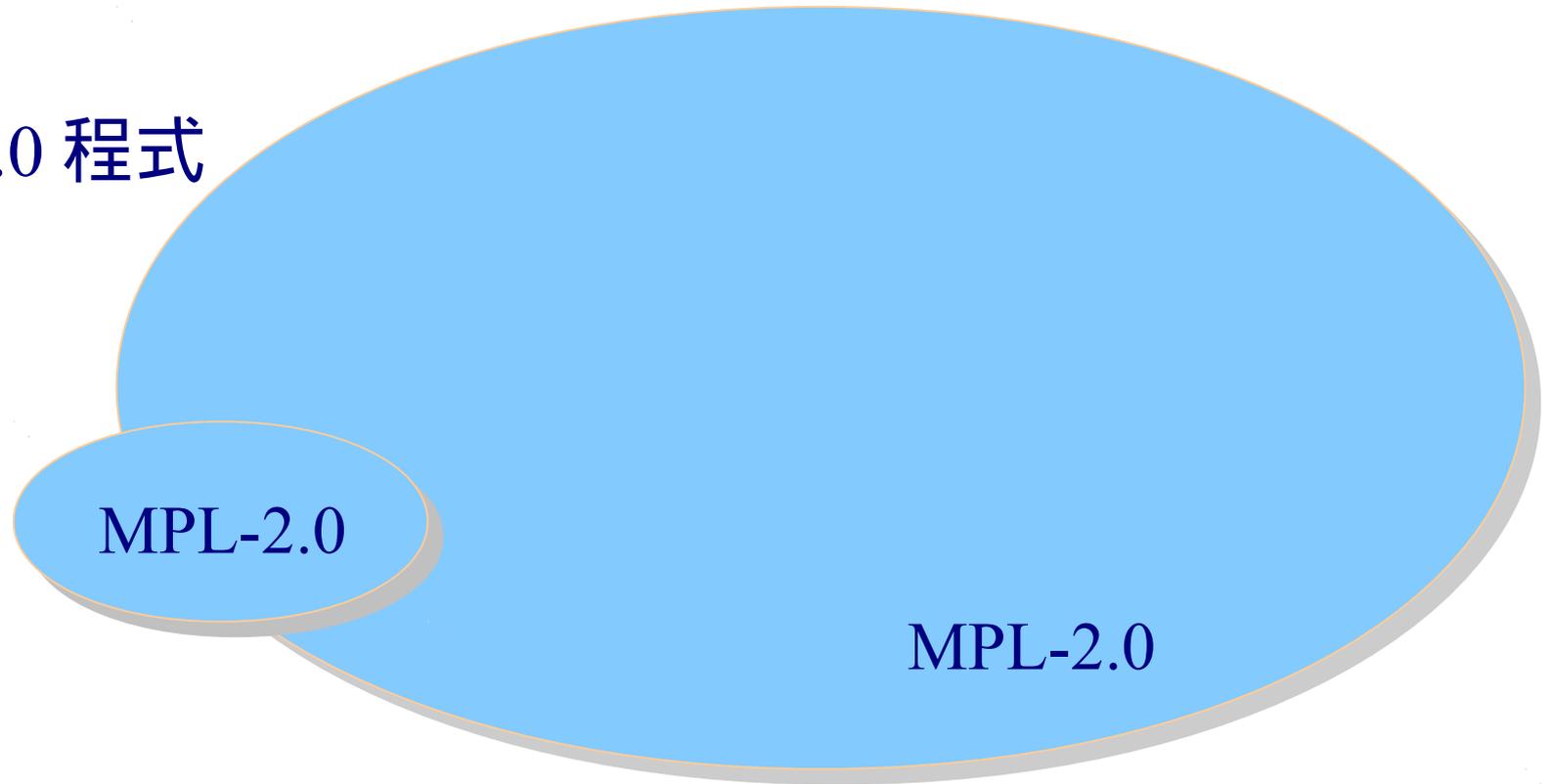
目的碼 / 可執行檔 再授權 / 轉授權 (sublicense)

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File/module-based copyleft: 以 MPL-2.0 為例

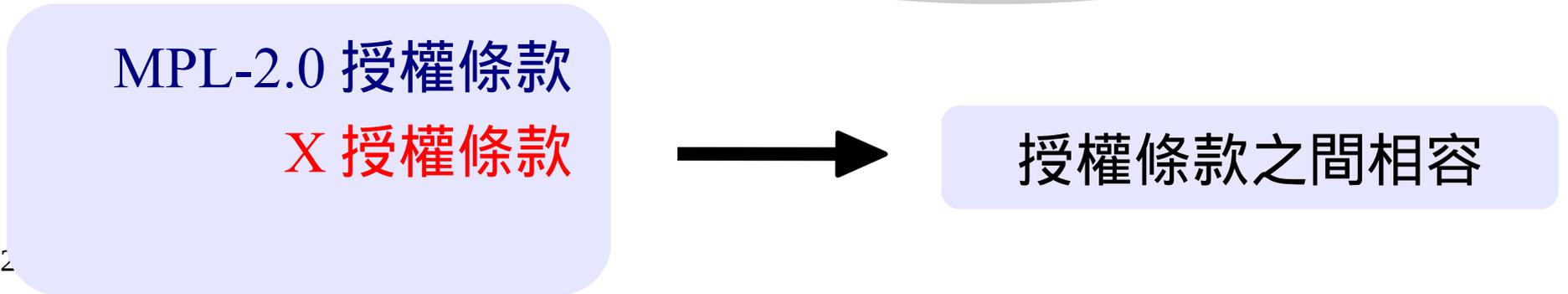
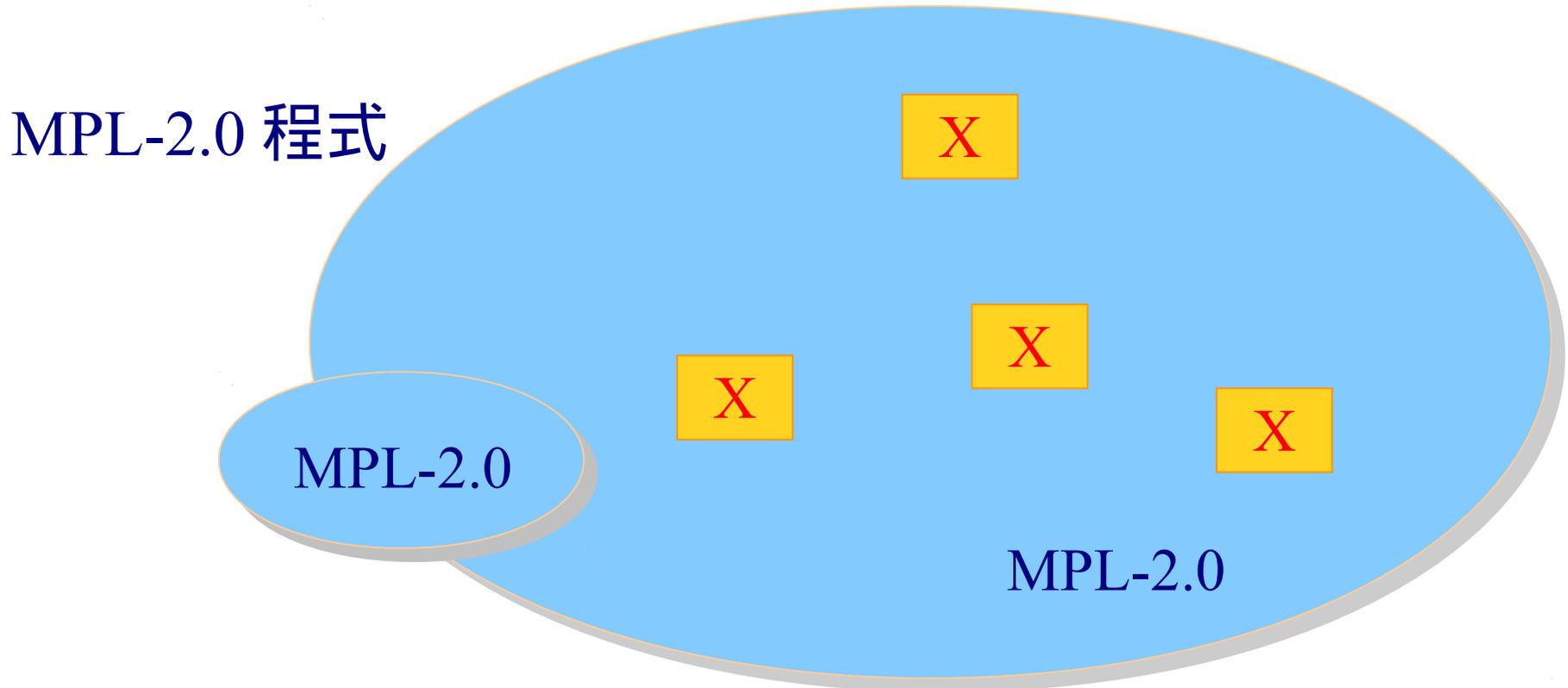
1/3

MPL-2.0 程式



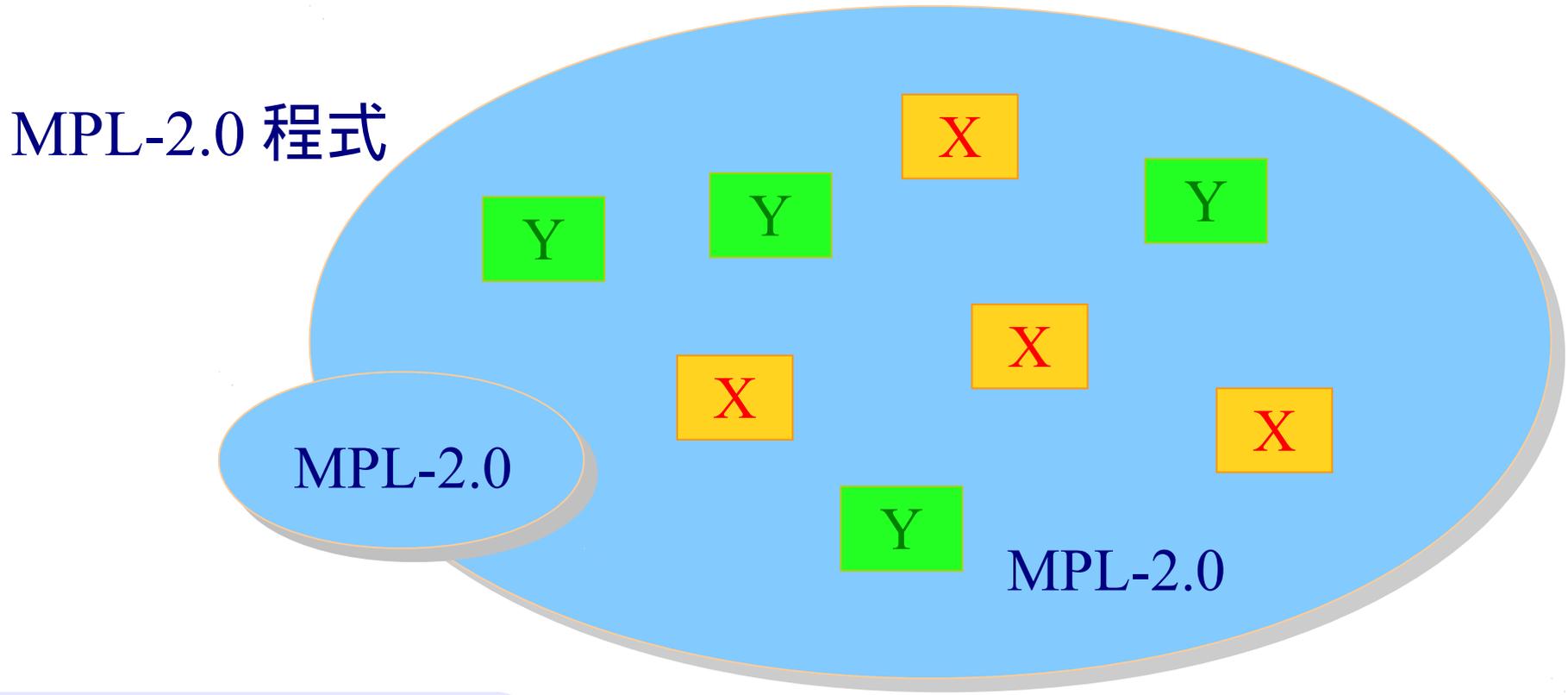
File/module-based copyleft: 以 MPL-2.0 為例

2/3



File/module-based copyleft: 以 MPL-2.0 為例

3/3



MPL-2.0 授權條款
X 授權條款
Y 授權條款



授權條款之間相容

檔案基礎的獨立性 - MPL, CDDL

模組基礎的獨立性 - EPL, CPL



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管理方式的差異

制定目的不同、管理方式不同

BSD 類 - 學術機構 - 顯名

GPL 類 - 軟體開發者 - 研究

其他類 - 商業公司 - 利益

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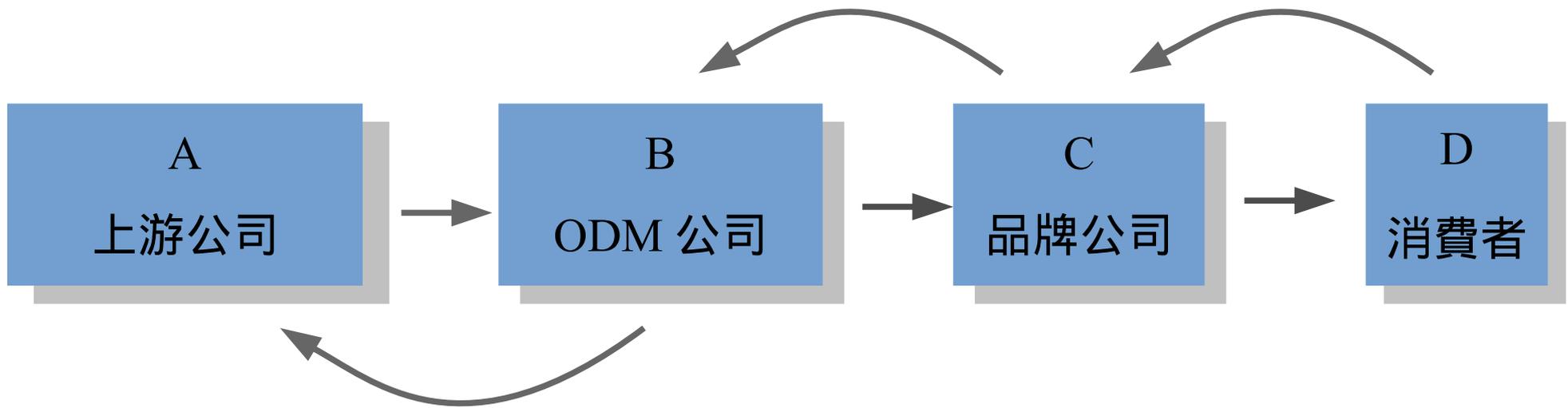
產品交付時：清楚的交付內容

自由開源軟體清單

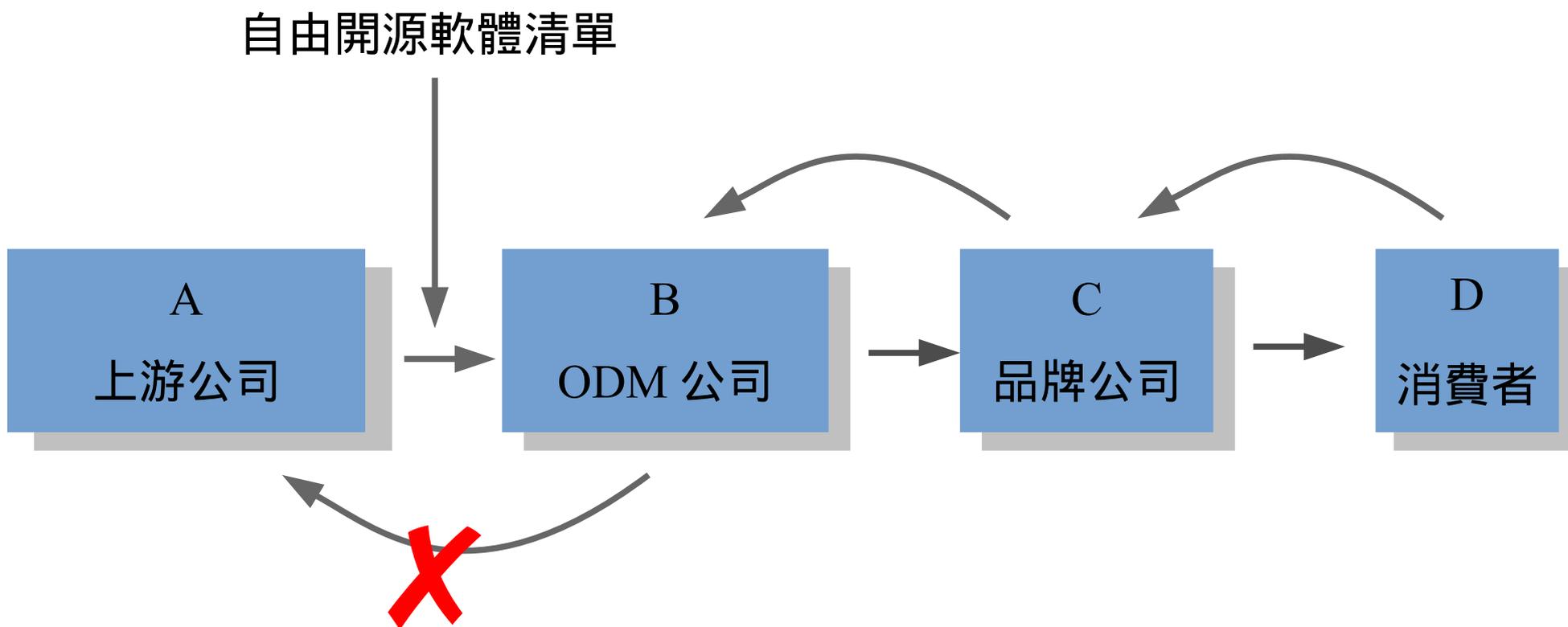
商業產品上下游流通示意圖 1/4



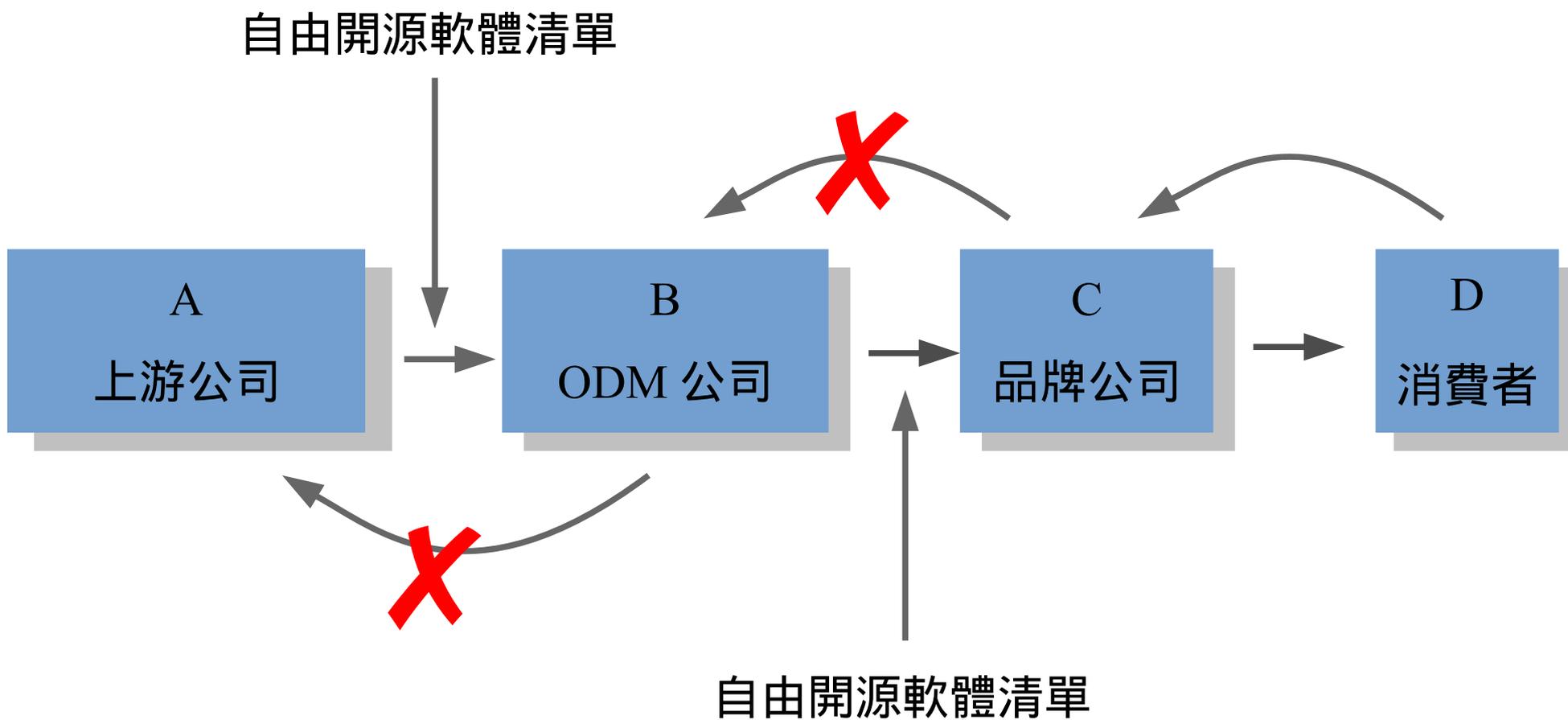
商業產品上下游流通示意圖 2/4



商業產品上下游流通示意圖 3/4



商業產品上下游流通示意圖 4/4



釐清責任

在清單上—下游客戶負擔責任

不在清單上—自己負擔責任

自由開源軟體清單：內容

- 自由開源軟體名稱
- 版本號
- 授權條款全名與版本號
- 相關網址
- 商業利用狀態
 - ◆ 禁止商業利用？ 雙重授權？
- 其他說明

資訊服務採購契約範本 – 行政院公共工程委員會

2017.6.5 會議小結

勾選 機關取得授權，然後將下列文字貼到契約的說明欄裡，即可：

「涉及開源軟體之研究與再利用時，廠商自行獨立開發編寫之部份以廠商為著作人，並取得著作財產權及著作人格權，然廠商於該部份之著作財產權存續期間內，以不徵收權利金、非專屬、不可撤回、得再轉授權第三人方式，授權機關於著作權範圍內不限制目的之利用，並以執行檔及原始碼共同提供之方式交付此部份之軟體程式，廠商並承諾對機關不行使其著作人格權；原採開源授權之第三人軟體及其直接衍生部份，依其原有之授權方式，以執行檔及原始碼共同提供之方式交付予機關，廠商並應條列開源軟體清單（包括但不限於：開源專案名稱、出處資訊、原始著作權利聲明、免責聲明、開源授權條款標示與全文）以供佐證。」

- 獨立開發編寫之部份著作權歸於廠商
- 但必須採不徵收權利金、非專屬、不可撤回、得再轉授權第三人之方式，提供予採購機關。
- 原開源授權的部份依循原始開源授權
- 也必須採目的碼與原始碼合併提供予採購機關。
- 開源軟體清單（專案名稱、出處資訊、原始著作權利聲明、免責聲明、開源授權條款標示與全文）

Home > Linux Foundation Announces Workgroup to Standardize the Future of the Software Supply Chain

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Linux Foundation Announces Workgroup to Standardize the Future of the Software Supply Chain

By Linux_Foundation - October 5, 2015 - 8:16am

OpenChain Workgroup will create a set of best practices to ease open source compliance for companies and developers

DUBLIN, LinuxCon Europe and Embedded Linux Conference Europe, October 5, 2015 – [The Linux Foundation](#), the nonprofit organization dedicated to accelerating the growth of Linux and collaborative development, today announced the OpenChain Workgroup, a community effort to standardize common best practices for open software compliance. It is expected to reduce costs and duplication of efforts and ease friction points in the software supply chain.

Founding members of the OpenChain Workgroup include ARM, Qualcomm, Samsung, SanDisk and Wind River.

"Because nearly every new technology today is built using Linux and open source software, today's software supply chain is the open source software supply chain," said Jim Zemlin, executive director at The Linux Foundation. "This means we need to revisit the way we standardize processes and compliance for checking code and ensure the cost and efficiency benefits of open source are sustained for decades to come. This is a long-term commitment to open compliance and one we take very seriously."

Linux and open source software are being used to build the most innovative technologies of our time. It is being used everywhere, by more

<http://www.linuxfoundation.org/news-media/announcements/2015/10/linux-foundation-announces-workgroup-standardize-future-software>

Trace: • [openchain](#)

OpenChain Workgroup

The OpenChain Workgroup was started to identify common best practices in compliance programs that should be applied across a supply chain for efficient and effective compliance with open source licenses. The Workgroup is just getting started and this Wiki will serve as a collaboration point.

License

All contributions to OpenChain are made under the  [Creative Commons CC0 1.0 Universal](#) license.

Mailing List

The group is already communicating via an OpenChain mailing list. You can sign up for the mailing list here:  <https://lists.linuxfoundation.org/mailman/listinfo/openchain>

Meeting Details

The OpenChain Workgroup meets on the first and third Tuesday of each month. The calls are at 8am Pacific Time.

openchain:start

Table of Contents

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OpenChain-Curriculu... ✕

https://wiki.linuxfoundation.org/_media/openchain/openchain-curriculum-release-2-with-notes.pdf

OpenChain CURRICULUM

FOSS Training Reference Deck, Version 2 FINAL DRAFT
Designed for the [OpenChain Specification 1.0](#)

Released under the [Creative Commons CC0 1.0 Universal](#) license.

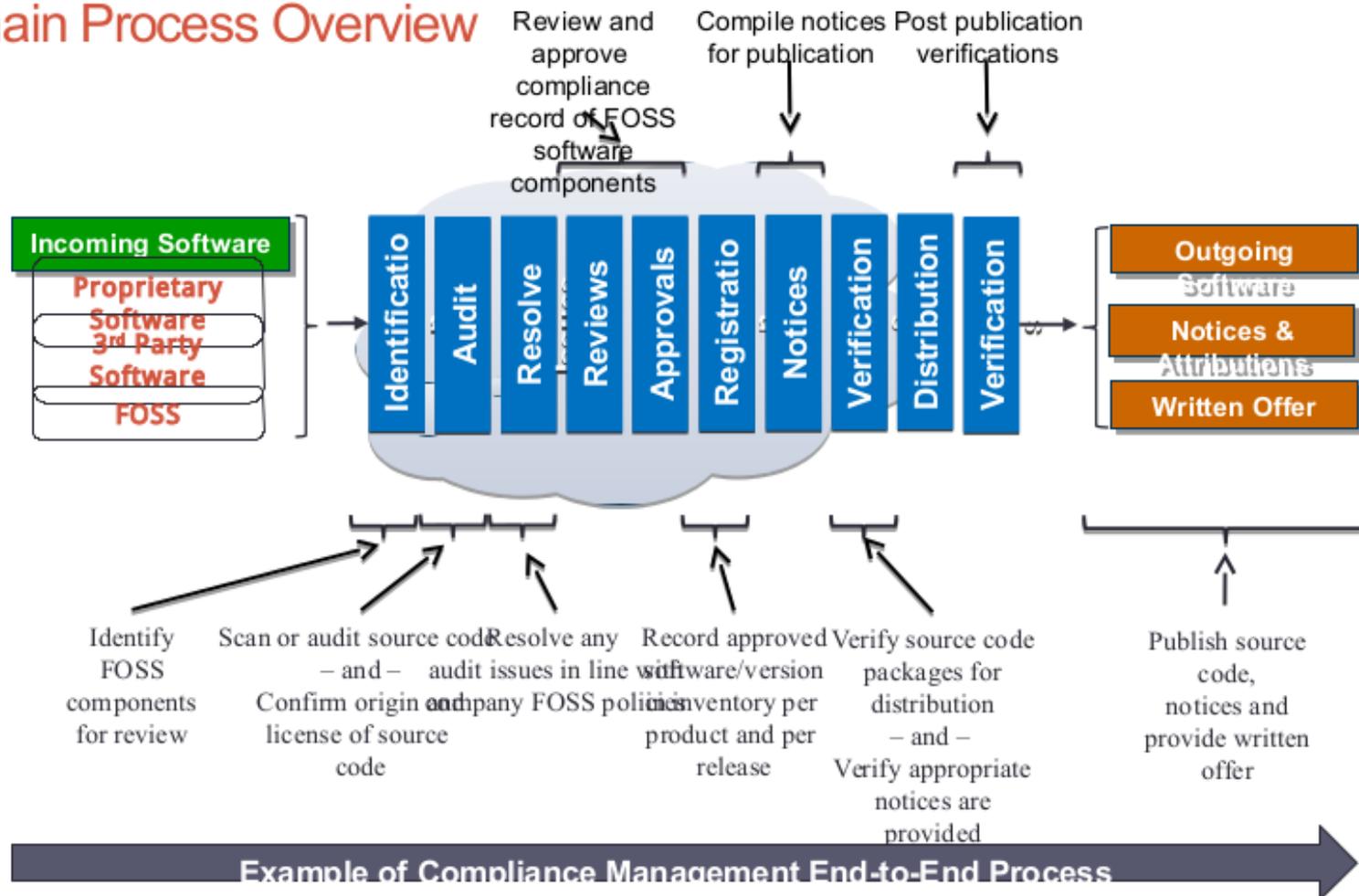
These slides follow US law. Different legal jurisdictions may have different legal requirements. This should be taken into account when using these slides as part of a compliance training program.

These slides do not contain legal advice

Welcome to the OpenChain Curriculum Slides. These slides can be used to help train internal teams about FOSS compliance issues and to conform with the OpenChain Specification.

You can deliver these slides as one half-day training session or you can deliver each

OpenChain Process Overview



OpenChain Curriculum Release 2 under CC0 at:
<https://wiki.linuxfoundation.org/openchain/curriculum>

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Openchain 教...

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Openchain 教材翻譯

- 期末影片 : <https://youtu.be/P46oKGO-IDg>
- 問題列表 : <https://hackmd.io/s/SJLGVoakb>
- 專有名詞對照表 (翻譯盡量一致) : <https://hackmd.io/s/HkVUbjayb>
- 期末影片講稿 : https://hackmd.io/s/HJT1_yxG-
- 原始文件 : https://wiki.linuxfoundation.org/_media/openchain/openchain-curriculum-release-2.pptx
- 韓文翻譯形式參考 : <https://www.openchainproject.org/wp-content/uploads/sites/15/2016/12/openchain-curriculum-release-1-kor.pdf>



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Open Source License Compliance by Open Source Software





Shane Martin Coughlan [Follow](#)

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Practical GPL Compliance—The Flowcharts



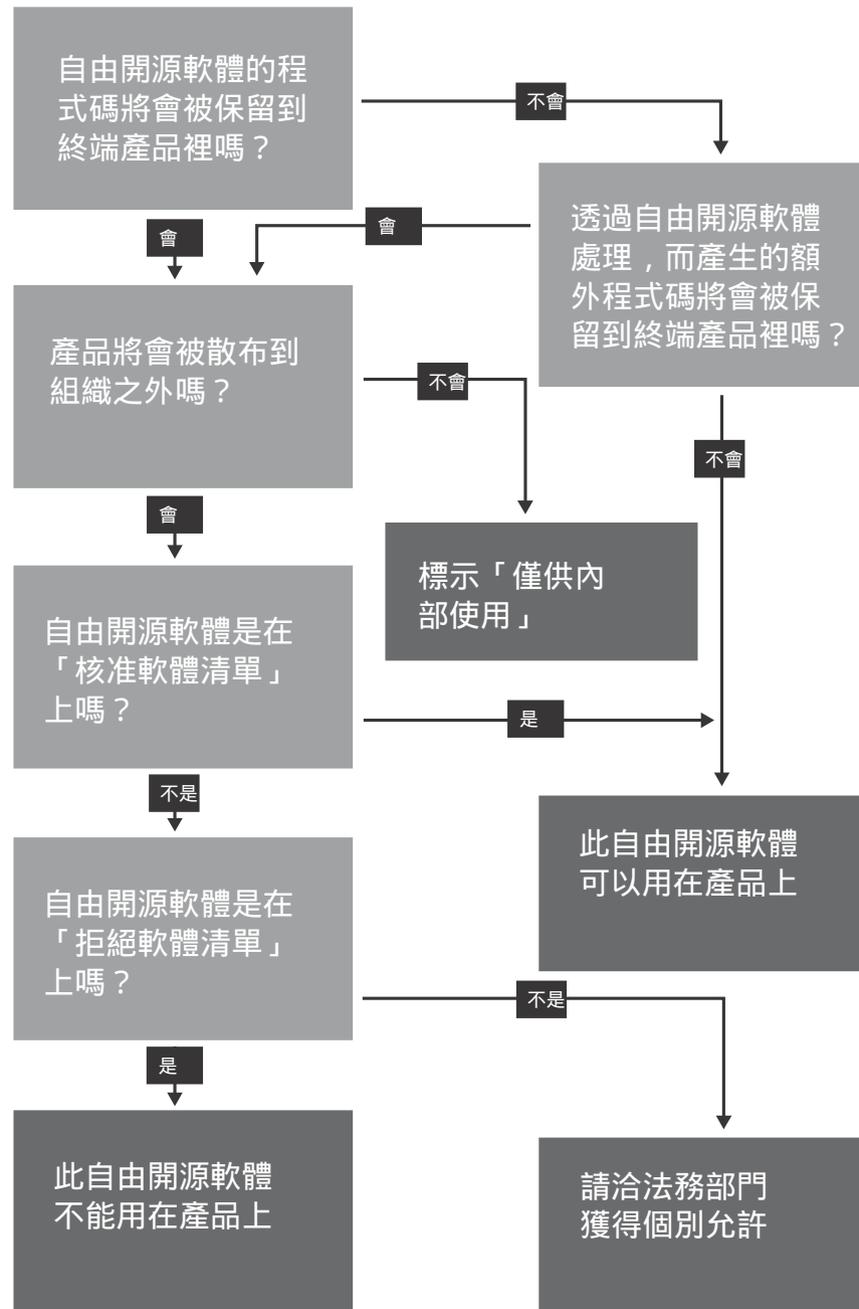
Whether you work in consumer electronics, drones, IoT, or automotive devices based on generic Linux or Android code-bases, this guide is for you.



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自由開源授權合規管理 簡式流程圖一： 基本概念

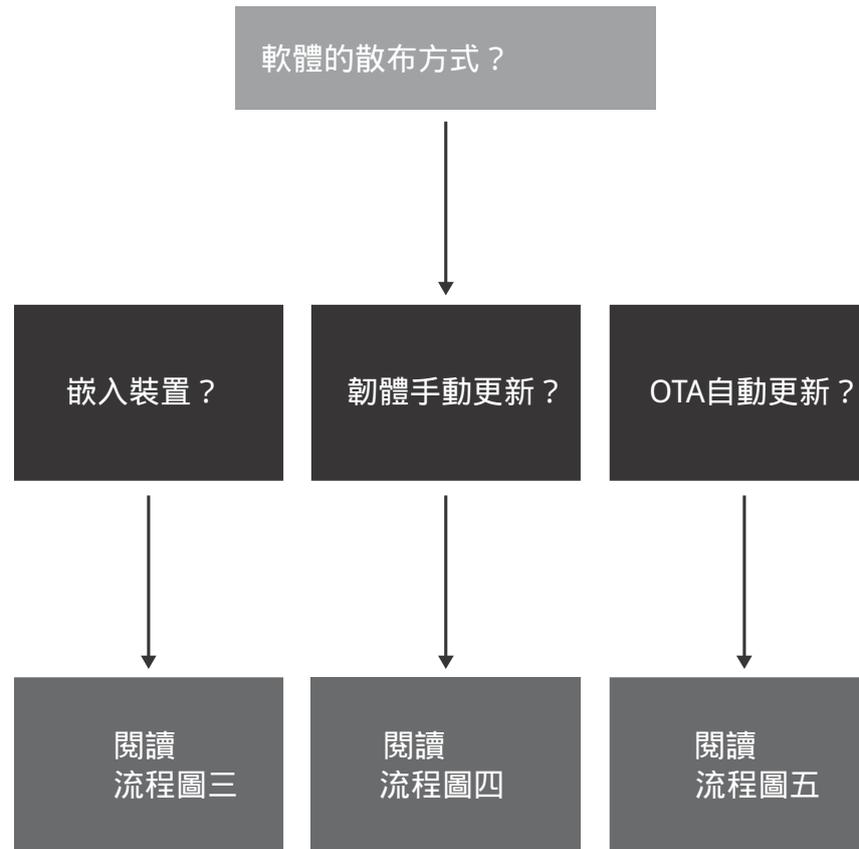


2017/07/21

此流程圖內含於 Armijn Hemel 及 Shane Coughlan 原作「實用的 GPL 合規手冊 (<https://www.linuxfoundation.org/news-media/research/practical-gpl-compliance>)」內，採 CC0- 公眾領域貢獻宣告進行釋出，繁體中文翻譯由 林誠夏 (Lucien C.H. Lin) 完成，併採 CC0 提供。

自由開源授權合規管理

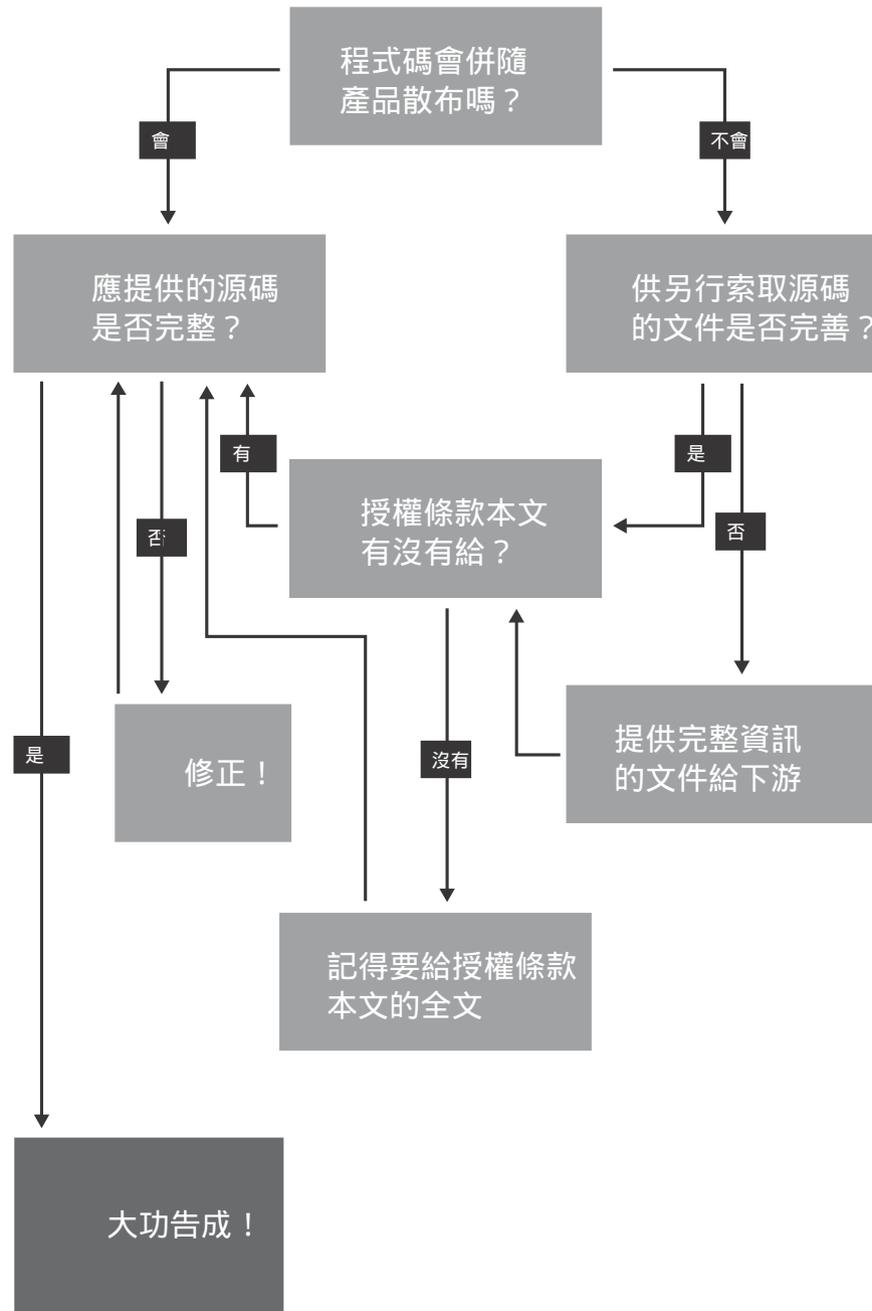
簡式流程圖二： GPL/LGPL 散布類型



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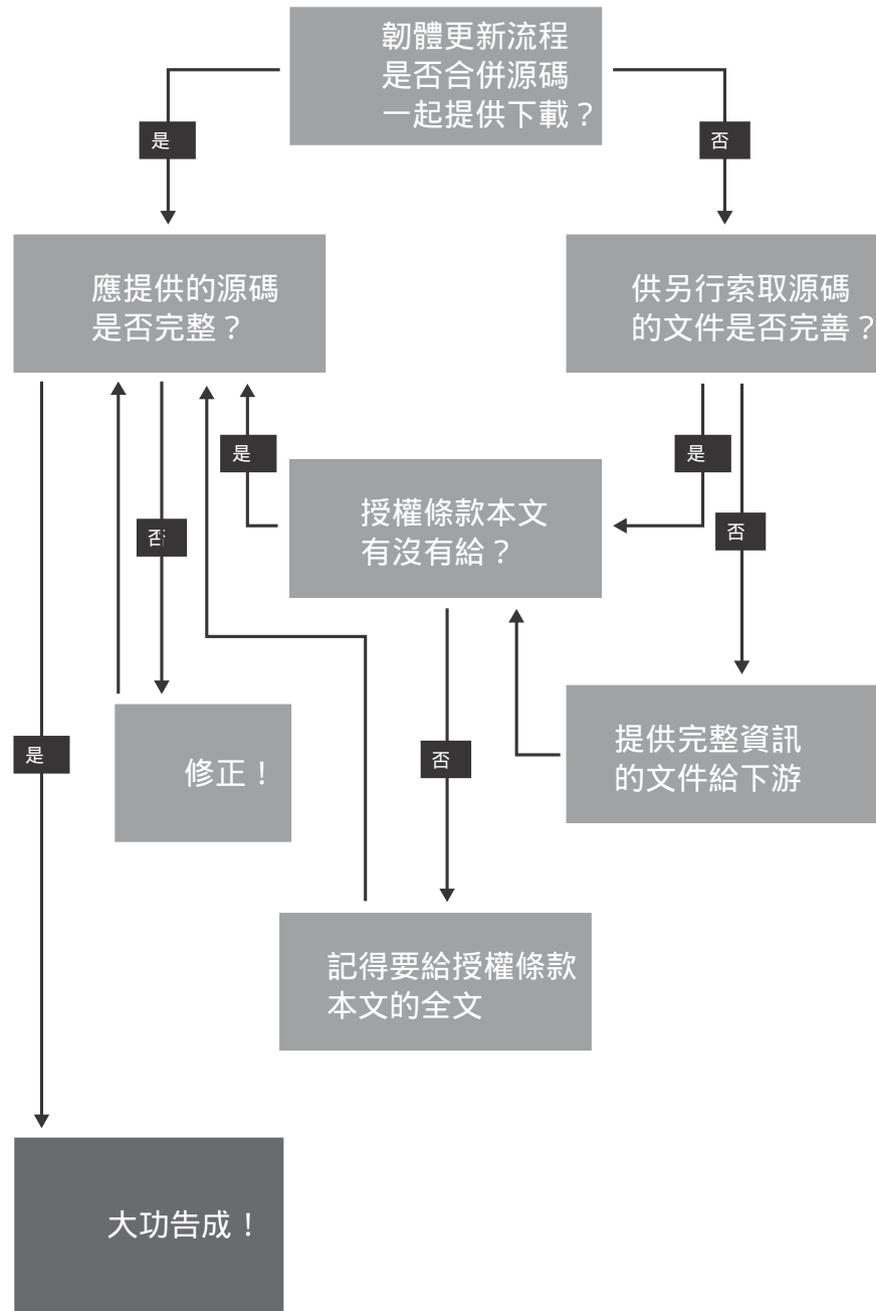
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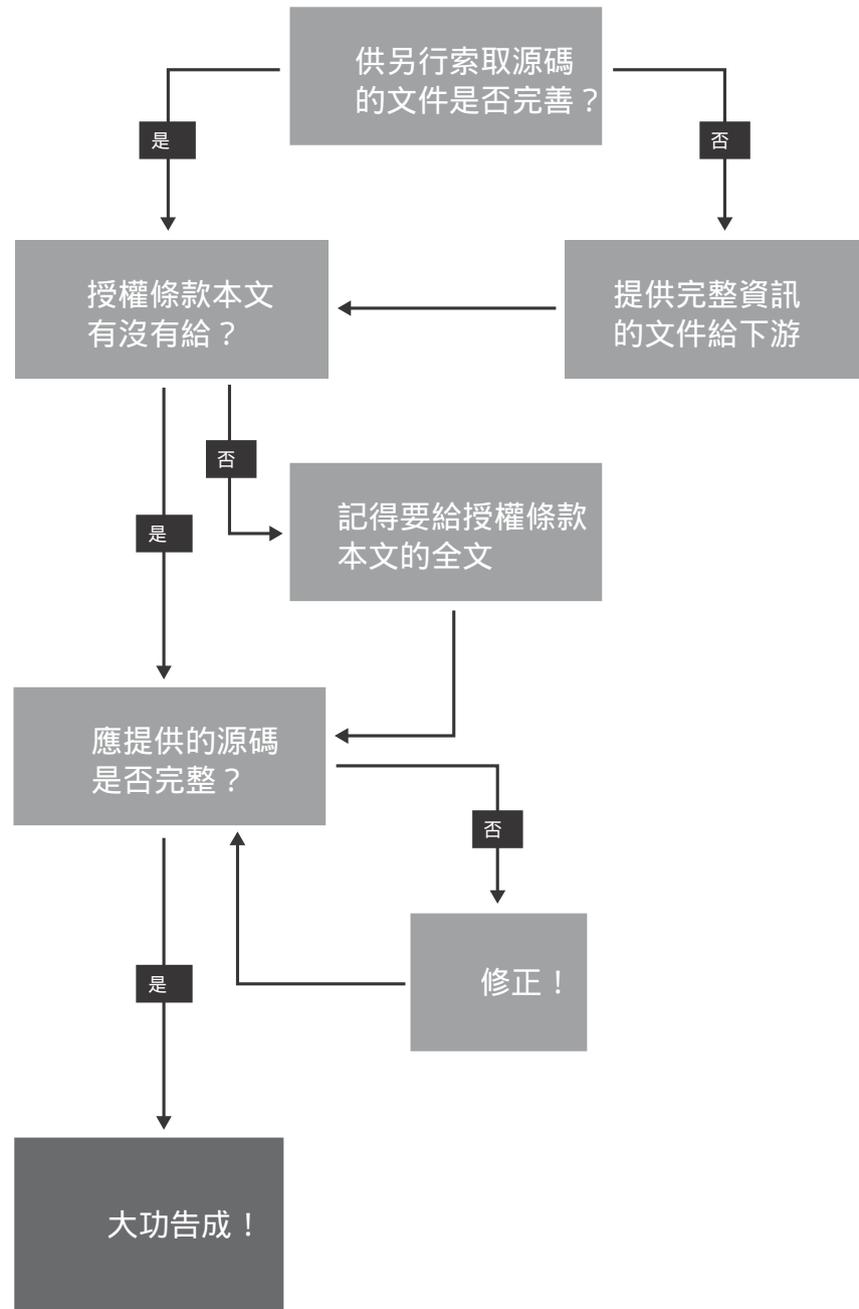
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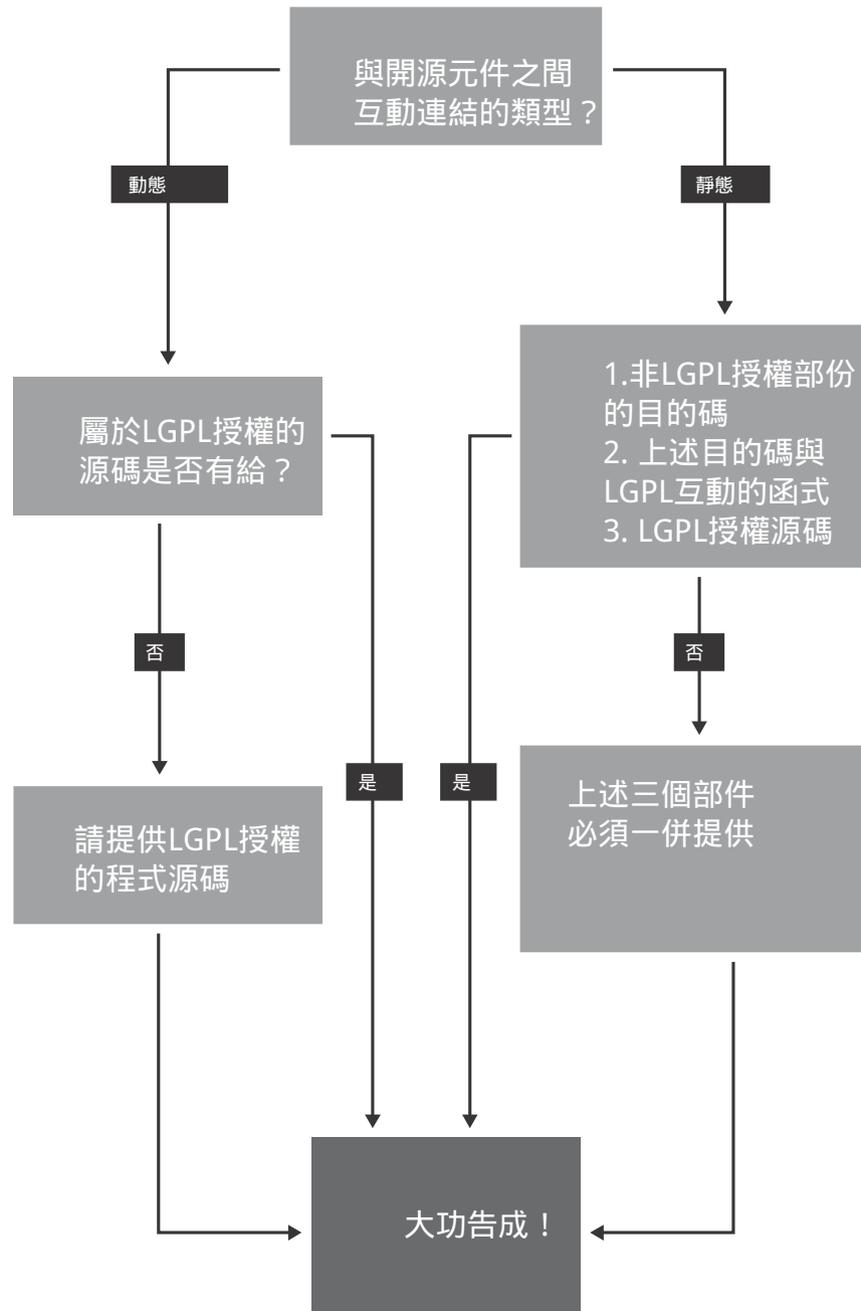
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打群架的年代

VS

老二哲學

THANK YOU

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LinkedIn: <https://tw.linkedin.com/in/lucienchlin>