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Doing it Right: The Executive Guide to Open Source Compliance

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Disclaimers



- I am not a Legal Counsel
- This talk does not provide legal advice
- I advise Samsung on open source compliance

Executive View on Open Source Compliance



- What
- Why
- How
- Who



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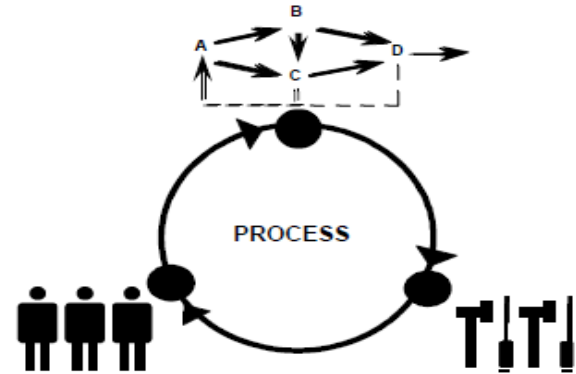
What is Open Source Compliance?

What is Open Source compliance?



Open Source compliance refers to the aggregate of Policies, Processes, Training and Tools that enables an organization to effectively use open source software and contribute to open communities while

- Respecting copyrights,
- Complying with license obligations, and
- Protecting the organization's IP
- Protecting the IP of customers and suppliers.



What basic compliance obligations must be satisfied?



- OSS license obligations generally are triggered with external distribution
 - Code intended only for internal use sometimes gets distributed later on, so compliance practices should be applied to internal code, too.
- Depending on the license(s) involved, obligations could consist of:
 - Written office
 - Attribution Notices
 - License Notices
 - Copyright Notices
 - Source code availability
 - Etc.
- Analysis performed during review of intended open source use is needed to clarify obligations



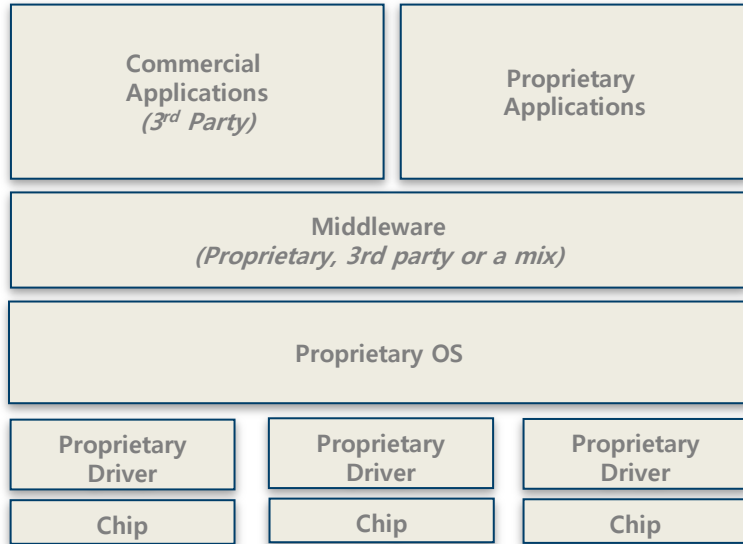
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Why do we need to implement an open source compliance program?

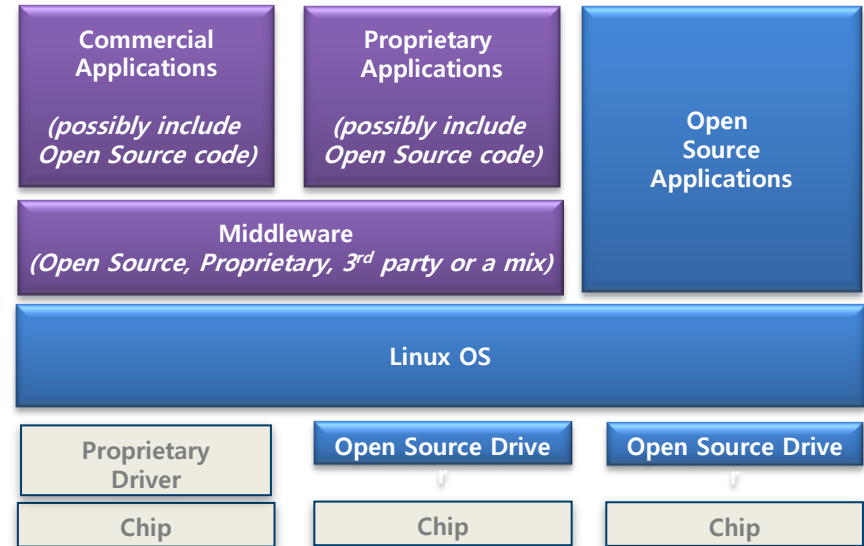
A Changing Business Environment



From



To



- Commercial licenses are negotiated
- There is a limited number of licenses
- Very predictable business environment
- IP protection is done via commercial contracts and licenses
- Risks are mitigated through license negotiation
- The providers of each software component are known

- Licenses are not negotiated
- There are potentially tens of licenses involved
- The business environment is not as
- Thousands of contributors to the various FOSS used
- The origin of some components may not clear
- Risks are mitigated through compliance and engineering practices

Mitigation of Risks via Compliance



- Identification of the origin and license of used software in the product
- Identification of license obligations for each software component
- Fulfillment of license obligations when product ships

Failure to Comply: Undesired Consequences



- Block product shipment until the fulfillment of FOSS license obligations have been verified
- Establish a more rigorous Open Source compliance program
- Appoint an “Open Source Compliance Officer” to ensure compliance
- Lose IP when required to release source code
- Negative press
- Damaged relationships with customers, suppliers and community
- Pay undisclosed sums of money for breach of FOSS licenses



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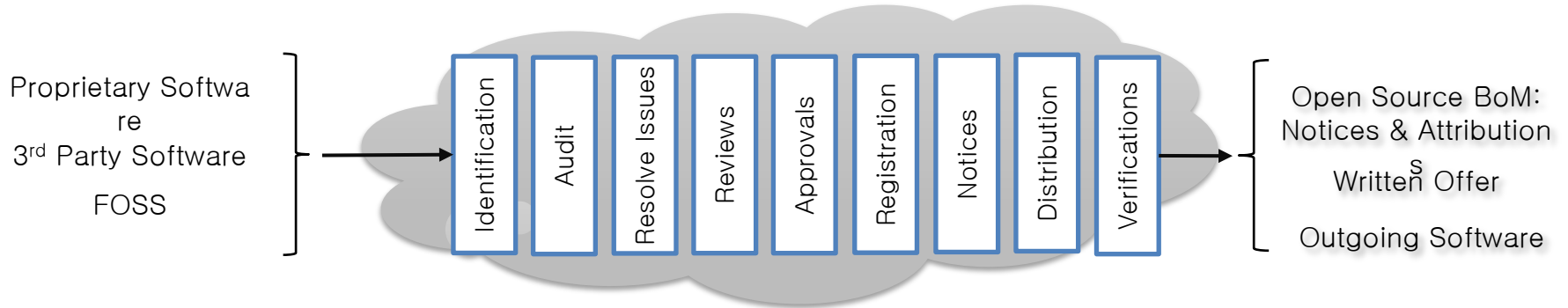
How do we do it?

What's involved in achieving compliance?



- Process
- Policies
- Guidelines
- Tools
- Education
- Networking

Example Compliance Process



Tools to assist with open source compliance



- Source code scanning (origin and license)
- Linkage analysis (static and dynamic)
- Project management tool to track compliance tickets



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Who is going to do it?

Who is involved in achieving open source compliance?



- Developers / Software Architects Write code
- Software Development Managers Approve technical merit
- Open Source Compliance Staff Scan code and report results
- Legal Counsel Advise on licensing
- Compliance Officer Manage compliance process
- Documentation team Include licensing info in product



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You will be challenged!

Compliance Inquires



- It happens all the time.
- Maintain a constant stream of communication, investigate and resolve.

Busted for Dodging Linux License, Samsung Makes Nice With Free Code

BY ROBERT MCMILLAN 08.20.13 | 6:30 AM | [PERMALINK](#)

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Closing Notes

Clear is the new Smart



- Governance
- Process
- Policies
- Guidelines

Compliance is Easy



- The challenge lies in three interconnected areas:
 - Scaling
 - Automation
 - Cost

Available + Neutral Resources



<http://compliance.linuxfoundation.org>

- Training
- Education Material
- Compliance Self Assessment Checklist
- Tools
- Compliance Templates
- SPDX

Your compliance practices will get better with time!





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