

# Jacobsen Declaration Exhibit L

Date: Tue, 30 Mar 2004 12:37:08 -0800  
From: Matt Katzer <mkatzer@kamind.com>  
Subject: RE: NMRA DCC Working Group  
To: Bob\_Jacobsen@lbl.gov  
Thread-topic: NMRA DCC Working Group  
X-OriginalArrivalTime: 30 Mar 2004 20:37:09.0017 (UTC)  
FILETIME=[C5A6E090:01C41696]

Hi bob

Congrats.

Just a brief note on IP and the GNU work you are doing...

Currently you are supply software under the GNU license

I have no problem with that. However, that software can never be submitted to the NMRA as a standard or a model while it is under the GNU license.

The issue is the derivative works clause, unless IBM succeeds in getting the clause stricken as a result of the sco lawsuit.

The derivative works clause, prohibits commercial mfg from incorporating source or docs that are published under the GNU license.

So you just need to be careful with what you do for the NMRA and what you do for decoder pro.

For example, you can not supply a demo piece of software that explains an idea for the working group under the GNU license. The GNU license would prohibit commercial mfg (like my self) from using the material.

Personally, I do not have a problem in making changes to decoder pro and redist the code. But if I do, then my intellectual property is at risk, therefore I can not do it. So in essence, the GNU license has restricted what I can and can not do.

If you look at all of the source license from sun, ibm, siemens, oracle etc, they now have a derivate works source license that overrides the GNU derivative works. Basically if you download a source from one of these companies, and look at it, you are in essence "tainted" and the derivate works GNU license is invalid for that particular product. This is mostly for the protection of the company, in case a GNU author makes a claim against a commercial company.

Bottom line...

I'm just giving you some advice that you will need to deal with as a chair of the working group. Basically, you cannot do anything for the working group under the GNU license. If you publish a source example of an Idea, it will have to be published under your name, or the NMRA with no restrictions. Like wise, any docs you publish will be owned by the NMRA, and cannot be published with a GNU license. You will also not be able to use the source forge site as well -- for the same reasons.

If you do something under the GNU license and give it to a mfg, you are in essence taking away the mfg rights under the GNU derivate works clause.

Sorry to burden you with this, but you need to internalize the responsibilities of your new position. You in essence are a voice for the MR community, as well as the mfg.

Regards

Matt k.

-----Original Message-----

From: Digital Command Control - Special Interest Group  
[mailto:DCCSIG-L@lists.psu.edu] On Behalf Of Bob Jacobsen  
Sent: Tuesday, March 30, 2004 6:38 AM  
To: DCCSIG-L@LISTS.PSU.EDU  
Subject: NMRA DCC Working Group

First, let me do make some introductions: I'm the new Chair of the NMRA DCC Working Group. Peter Ely is the new Deputy Chair, and rest of the organization of the NMRA Technical Department can be seen here:

<<http://dcc.info/TechDept/TechDeptOrg040220.pdf>>

Peter and I want the Working Group to become a broad-based, collaborative effort to improve the DCC Standards and Recommended Practices (S&RPs). As part of that, we intend to keep the DCC SIG up-to-date on what the Working Group is doing, and make sure that public comments get taken into account.

The list of things that the Working Group is working on, called the "active topics list", is kept here:

<<http://dcc.info/WGpublic/active-topics.html>>

Peter or I will post a note here when this changes. New things are added at the bottom. Some of the listed items are quite active, while others have been allowed to become inactive; we hope to get that cleaned up over the next months.

We're currently trying to clarify how the S&RPs are developed and approved, as there has been a lot of confusion and misinformation on this. The last item on the list ("Working Group Organization and Operation") is that effort. The current draft note and background info are available at

<<http://dcc.info/WGpublic/0403131/>>

We will keep that directory up-to-date as things evolve.

Bob

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