

Jacobsen Declaration Exhibit M

To: Matt Katzer <mkatzer@kamind.com>
From: Bob Jacobsen <Bob_Jacobsen@lbl.gov>
Subject: RE: NMRA DCC Working Group
Cc:
Bcc:
X-Attachments:

At 12:37 PM -0800 3/30/04, Matt Katzer wrote:

Hi bob

Congrats.

Thanks! Unfortunately, I'll probably be calling on you for help with aspects of this pretty quickly, by the bottom of the note even.

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

Currently you are supply software under the GNU license

I think there's some confusion about this. JMRI is under the "Artistic Licence", sometimes called the "MIT Artistic License". There are copies in the distribution, or at

<http://jmri.sf.net/xml/COPYING>

Personally, I don't agree with the "virial" nature of the GPL, so don't use it in projects.

The Open Source Definition of OSI (<<http://www.opensource.org/docs/definition.php>>) intends to make commercial software and open software interoperate. The Artistic License has been checked by better lawyers than mine (and mine are pretty good) to ensure that it does that.

The Artistic License puts essentially no restrictions on use in a commercial context. You can freely distribute it, link with it, charge for support or distribution of it, and update it with restriction except for having to give credit, and tell people where it came from and/or where to get their own copy of the software

The Artistic License allows modification of the code itself e.g. for commercial software, with only slight restrictions. The relevant part is:

3. You may otherwise modify your copy of this Package in any way, provided that you insert a prominent notice in each changed file stating how and when you changed that file, and provided that you do at least ONE of the following:
 - a) place your modifications in the Public Domain or otherwise make them Freely Available, such as by posting said modifications to Usenet or an equivalent medium, or placing the modifications on a major archive site such as ftp.uu.net, or by allowing the Copyright Holder to include your modifications in the Standard Version of the Package.

...

- c) rename any non-standard executables so the names do not conflict with standard executables, which must also be provided, and provide a separate manual page for each non-standard executable that clearly documents how it differs from the Standard Version.

Of course, 3a "allowing ... to include your modifications in the Standard Version" is

preferred from my end, but even if you'd rather not make them public you can use 3c.

And for complete flexibility, though perhaps outside the NMRA context, there's section 3d.

d) make other distribution arrangements with the Copyright Holder.

For example, I made a 3d arrangement with a company that's selling something based on a modified JMRI that also had to fit on a floppy, so couldn't be a complete distribution. All we had them do was to put a brief note in their manual acknowledging that some of the code came from JMRI originally. Of course, copyright for JMRI itself is a mess (there are over 13 contributors, each with copyright on a part), but so far we've been able to get complete agreement when needed.

However, that software can never be submitted to the NMRA as a standard or a model while it is under the GNU license.

Reasonable people can differ on that; I've heard it argued both ways by people who know a lot about it. But I very much hope to not get involved in that argument by not using the GNU licenses; that way, we can just let the rest of the world sort it out.

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.

Thanks for pointing this out, I really hadn't thought about it in the right context.

Ownership of ideas presented to the NMRA has never been clear. They're certainly not trade secrets (anymore), and the NMRA has taken several different approaches to things covered by patents. Their copyright is also somewhat unclear, as there's no requirement that the original-creation copyright be signed over, yet the NMRA asserts copyright on the final forms.

Can I convince you to raise these issues on the Working Group? I see that you're subscribed under "kam_working@kamind.com". I'm not sure whether you're reading the traffic, but we're currently discussing how to best make the group more effective, and your opinions would be valued.

Bob

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