Setting the scene: copyright in the UK

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OSS Watch

From copyright to copyleft

- Origins of copyright in the UK
- Creating a copyright work
- The rights of ownership
- Licensing a copyright work
- The curious example of software source code
- Permissive licences
- Copyleft licences

Originated in the 18th century to ensure that authors were properly remunerated for their work.

- Current UK copyright law is bound by:
  - Copyright, Designs and Patents Act 1988
  - Copyright Act 1956
  - Copyright Act 1911
  - International Copyright Act 1886 and the Berne Convention

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Do you need to do anything to copyright your works?

- No – copyright comes into being as soon as the work is *fixed.*

Do you, as the creator, own the copyright?

- Maybe – copyright materials are property and are owned by whomever owns the output of your effort at the time you created the work.

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Copyright law gives the owner of the property certain rights. The owner decides:

- who can copy the work
- who can adapt the work
- who can distribute the work

Only the owner of the copyright has these rights.

Licensing a copyright work

Owners of copyright may provide a set of permissions in the form of a licence that will make clear how their work may be used by others. The licence can:

- set the parameters for copying
- allow (or not) certain forms of adaptation
- limit (or not) distribution rights
- etc.

Someone who agrees to be bound by the constraints of the licence is a licensee.

The curious example of software source code

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Computer software is protected by copyright law.

Users of software are licensees.

The source code of software is considered a *literary* work.

It looks something like this ➡

Source code sample

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```
for f in range(q):

    print "Here is one number",

    x=random_between(1,w)

    print x,

    print "and here is another number",

    y=random_between(1,w)

    print y

    z=2*(x+y)

    a=read_number('How much is 2 times their sum?')

    if a == z:

        print "Right!"

        right = right + 1

        w = w + 5

    else:

        print "Wrong!"

        wrong = wrong + 1

        w = w - 5

        if w <= 0:

            w = 5
```

SS Watch

Originally it was common practice to simply share the source code of programs.

Other programmers would read the code, learn from it and, inevitably, want to modify it with their own ideas.

Modifying code and sharing the results was also once commonplace.

Open source software licences

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Since software is copyright, it required an appropriate licence to permit licensees to use, learn from, modify, adapt and share the modified works.

Such permissions have been codified in the 10 criteria of the open source definition.

http://opensource.org/docs/definition.php

Criteria of the open source definition

- free redistribution
- source code
- derived works
- integrity of the author's source code
- no discrimination against persons or groups
- no discrimination against fields of endeavour
- distribution of licence
- licence must not be specific to a product
- licence must not restrict other software
- licence must be technology neutral

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One of the simplest and possibly the oldest open source licence is the Berkeley Software Distribution licence.

- Licensees must retain copyright statement and disclaimer of warranty in onward distributions of the unmodified or modified program.

copyleft

Copyleft is a means of ensuring that derived works of some copyright work are *at least as free* as the original work.

- Licensees are constrained to distribute modified works under *the same licence* that they received the original work under.

The GNU General Public License

The GPL is used on more than two-thirds of all open source software. It is the best example of a copyleft software licence.

The licence was explicitly written as a means to propagate a software commons.

It *uses copyright* in order to bring about *copyleft*.

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What's good for software might be good for other works that are copyright.

Creative Commons builds on the foundations laid down by the free and open source software movement.

Builds on, and improves upon...