

# FOSDEM 2012

## Is copyleft being framed?

John Sullivan  
Executive Director  
johns@fsf.org

Free Software Foundation

February 4, 2012



## Framing this talk

- Executive Director since March 2011. Doing various jobs at the FSF since 2003, none of them the licensing guru. That would be Brett Smith.
- Jet lagged and giving a talk involving numbers, this is a dangerous mix – I studied poetry, not math. Keep an eye on me
- Grew out of a reaction to some recent press about numbers supposedly showing decline in use of the GPL and copyleft in general, and the conclusions being drawn about the FSF from that.
- Richard Fontana will be talking on a similar subject after this, with funnier slides and more subtle logic.



# Framing the licensing debate

- Law and licensing are only tools to achieve a free software world.
- We use licensing because we have to.
- The GPL – and copyleft in general – is one of the most important and best tools we have, but it is still only a tool.



# Popularity and licensing

People like to talk about how many people use which license. It can be interesting, since it shows something about:

- What legal strategies and features people want to use
- Sometimes, some level of trust in the organization behind the license



# Why do people choose a particular license?

My unscientific speculation is that liking the organization behind the license is pretty low on the priority list. More important factors include:

- It's the one already used by the project (the FSF advocates doing this unless there is a very good reason to do otherwise)
- They think the license is fair and will protect their work the way they want.
- The license is compatible with other code their program works with.
- It's the first reasonable choice in the list presented by the software hosting site.
- It fits their “business model.”
- Their lawyers tell them to.
- It has fewer words.



# What license popularity doesn't show

- Which license is the best
- Whether the FSF is successfully helping to create a free software world.
- Whether people at the Mozilla Foundation are smart



# The GPL and the FSF

- We cite GPL numbers to encourage support for the work we do, because it's a fact that a lot of people use the GPL and it's our job to protect it and to help people use and enforce it.
- We do not cite GPL numbers vs other free software license numbers to show that we are “winning” something.
- We think the GPL is the best of its kind to achieve the goal in the vast majority of cases. But we don't get paid royalties per copy of the GPL.
- For our license recommendations for different situations, see <http://www.gnu.org/licenses/license-recommendations.html>.



# In case you were wondering, we're doing great

Between December 1st and January 31st:

- We raised over \$300,000 for free software, the vast majority from individuals.
- 423 new members joined.





## 78% of studies are wrong

Some of the most common licensing numbers used are published by a company who does not share their methodology. That's not science. FLOSSmole (<http://flossmole.org/>) is an interesting project to generate the data in a verifiable way. But:

- Are we counting all free software projects on the Web?
- Active projects? Small projects?
- Mobile applications?
- Lines of code or all individual programs treated equally?
- Packages with multiple licenses?



## What if there actually is a decline?

If one could show a decline in the percentage share of the GPL license family, what would that show?

- More free software overall! Even data on the other side shows absolute numbers in both GPL and non-GPL category increasing.
- More corporations doing free software and encouraging licenses that let them make proprietary software
- New software distribution structures – Apple's App Store for example prohibits distribution of copyleft software.

The first is a clear win. The second can still be a win, because the companies are making free software possibly instead of proprietary. The third is a problem.



## Other numbers show an increase

I looked at the license numbers in Debian GNU/Linux because:

- It's a mature distribution that serves as the basis for many others, including gNewSense and Trisquel. I would not expect the results to be significantly different for other distributions, except for those that might include more proprietary software.
- Software is vetted before entering Debian, so we know there are no duplicates, etc.



## Method

- Thanks to GNU Chief Webmaster Jason Self for generating the data.
- Using a script written by Russ Allbery for Debian in 2010 (found at <http://repo.or.cz/w/debian-policy.git/blob/HEAD:/tools/license-count>)
- Helpfully sanity checked by Luca Falavigna, who's one of the FTP Master assistants.
- Started with Sarge to get a little extra history before the GPLv3 was released in 2007.
- Looking at the GNU family of licenses – GPL, LGPL, AGPL



## Possible issues with data

- Counting based on symlinks to shared license files, as well as regular expression matching. Using standard Debian tools for this.
- Packages have multiple licenses, so saying a package is under the GPL does not mean it's the only license.
- I'm counting binary packages – but cross-checking with results from counting source packages shows only a few percent difference.
- My first look at it.



# Sarge

- Released on 2005-05-06
- 15,195 total packages
- 10,730 packages licensed under GPL family
- 71% of total packages



- Released on 2007-04-08
- 18,043 total packages
- 2,848 new packages
- 13,872 packages licensed under GPL family
- 77% of total packages
- 6% increase in GPL family percentage
- 18% increase in number of packages



*(First release after GPLv3)*

- Released on 2009-02-14
- 21,994 total packages
- 3,951 new packages
- 19,218 packages licensed under GPL family
- 87% of total packages
- 10% increase in GPL percentage
- 22% increase in number of new packages
- 630 packages using GPLv3 or LGPLv3, by name.





# Squeeze

- Released on 2011-02-06
- 28,126 total packages
- 6,132 new packages
- 26,271 packages licensed under GPL family
- 93% of total packages
- 6% increase in GPL family percentage
- 27% increase in number of new packages
- 3,154 packages under GPLv3 or LGPLv3 (400 % increase)



## Is copyleft being framed?

Yes.

- Pay close attention to counting methods. When it comes to looking at a different, well-vetted frame of software – like what's in Debian GNU/Linux – GPL family use is very high.
- Either way, don't overstate the popularity of licenses as proxy for organizational influence/success, whether for the FSF, Mozilla, Apache, or any others.
- Don't forget that the license and law are just tools to achieve the end. Instead of popularity, look at progress toward the goals, even if that progress has to be qualified as tenuous.
- Don't forget that non-copyleft free software is still free software.



# Support Freedom

Our licensing and advocacy work is funded primarily by grassroots contributions from thousands of individual members.

- Join at <http://www.fsf.org/join> (use referrer #8096 if you like me).
- Use a free software license for your work:  
<http://www.gnu.org/licenses/license-list.html>
- Stay informed at  
<http://www.fsf.org/free-software-supporter>.
- Buy a nice GNU/Linux Inside sticker. I have some.

