

# *25 Years of Copyleft Enforcement: The Road Ahead for Defending Software Rights*

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at Software Freedom Conservancy

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Slides at: <https://ebb.org/bkuhn/talks/SFSCON-2024/>



# I Am An Activist

Greetings, I am an activist!



# My Activist Cause is Narrow

I seek a world in which every person on the planet has universal and unabridged software rights & freedoms

...

(aka)

the universal right of software repair.



# A Very Brief History of the GPL

For 25 years, across three different non-profit charitable organizations, I have spent the plurality of my time attempting to uphold the GPL ...

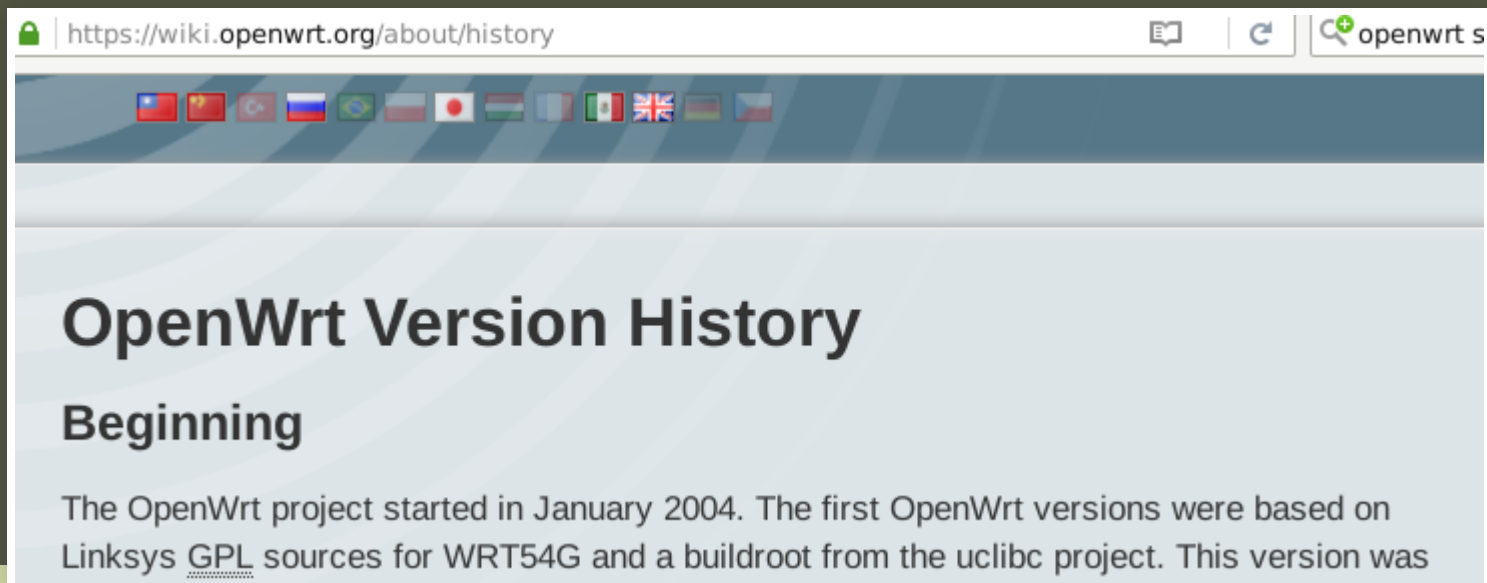
... results have varied. 😬



# It Began Well

I, Harald Welte, Erik Andersen, and about five others enforced against Linksys in June 2003.

That released code became the first commit for the OpenWrt project! 🎉

A screenshot of a web browser showing the OpenWrt Wiki page for "OpenWrt Version History". The browser's address bar displays "https://wiki.openwrt.org/about/history". The page features a header with various national flags and a main heading "OpenWrt Version History". Below the heading is a sub-heading "Beginning" followed by a paragraph of text.

https://wiki.openwrt.org/about/history

OpenWrt Version History

Beginning

The OpenWrt project started in January 2004. The first OpenWrt versions were based on Linksys GPL sources for WRT54G and a buildroot from the uclibc project. This version was

# Did We Prioritize Copyleft?

Since the 1990s, we've sought to endear ourselves to hardware makers — often begging them to support Linux-based systems.

In retrospect, we were just too darn eager to give up too much.



# Mass Adoption vs. Software Freedom

Copyleft licenses, such as the GPL and LGPL, *by design* give up some popularity (and, by extension, adoption) for the sake of software rights and freedoms for users.



# Without Enforcement, Might as well be BSD

In the wild, an unenforced copyleft license is not observably different from a non-copyleft license.

In 25 years, we have learned unequivocally that **nearly every company that ships Linux-based devices does not and will not follow the GPL's requirements willingly.** And, these companies will also **attempt to skirt their responsibilities when users complain.**





# Why Is It So Difficult to Enforce GPL?

- GPL is not, in itself, a law.
- GPL is not an international treaty regulation.
- GPL is not a commandment.
- GPL is, in essence, **just an agreement between software authors, software distributors, and software users.**
- GPL — *by design* — does not require that license violators pay the financial cost of enforcement.



# Why Is It So Hard to Enforce GPL?

Simply put: copyleft was designed under the assumption that generally software companies would usually honor their agreements with users.

**But they do not.**



# Why Is It So Hard to Enforce GPL?

Harald Welte's enforcement in Germany in the early 2000s, and SFC's "BusyBox lawsuit" (which I led) in USA during the 2010s made a great positive impact ...

... **but** the moment these cases completed, companies began planning to violate copyleft in the next generation of products.



# What Must We Do Next?

The only answer is constant vigilance and using the courts around the globe to demand user rights.

So we have to, proverbially, “make new law”.



# What Must We Do Next?

We erred focusing so much on upstream developers and *their* rights. The GPL is about the rights & freedoms of the downstream user.



# What Must We Do Next?

Enforcement now must focus on adjudicating the rights of users to receive the correct, rebuildable, and reinstallable source code.



# What Must We Do Next?

SFC is, frankly, the only organization in the world working on GPL enforcement and enforceability right now.



# What's SFC doing about this now?

Ongoing litigation against a USA-based TV manufacturer, Vizio, seeks to adjudicate a right for third-party consumers to demand and receive complete, Corresponding Source under the GPL

Agreements: [sfconservancy.org/vizio](https://sfconservancy.org/vizio)





# What's SFC doing about this now?

A website for user collaboration to seek copyleft compliance (launched here by my colleague Denver last year), **Use The Source:**

[sfconservancy.org/usethesource](https://sfconservancy.org/usethesource)



# What's SFC doing about this now?

At least one major successful result that we recently achieved in Europe will be announced before the end of 2024. 🤫



# Follow-Up / Talk License

More from me on this topic at FOSDEM 2017 & 2023:

- [archive.fosdem.org/2017/schedule/event/copyleft\\_defense/](https://archive.fosdem.org/2017/schedule/event/copyleft_defense/)
- [archive.fosdem.org/2024/schedule/event/fosdem-2024-3163-copyleft-and-the-gpl-finding-the-path-forward-to-defend-our-software-right-to-repair](https://archive.fosdem.org/2024/schedule/event/fosdem-2024-3163-copyleft-and-the-gpl-finding-the-path-forward-to-defend-our-software-right-to-repair)

Please donate to become a Conservancy Sustainer:

<https://sfconservancy.org/sustainer/>

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