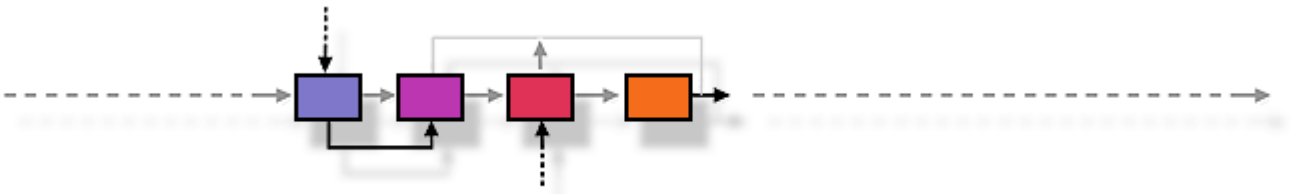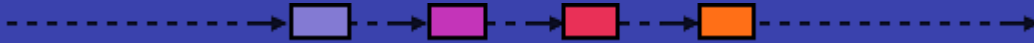# Terms of Use for
JSR collaboration projects
July 31, 2012

Transparency Requirements in JCP 2.8

- The public – including people who have not signed the JSPA - must be able to observe Expert Groups' deliberations and to provide feedback.

- We need Terms of Use to cover "casual" contributions made through comments on a public mailing list, suggested bug fixes, and similar collaborative means.

- Currently, TOUs are up to the Spec Lead and are judged on a case-by-case basis; the Spec Lead provides a pointer to any Terms of Use required to use collaboration tools, and the EC and prospective EG members must judge whether they are compatible with the JSPA.

Java
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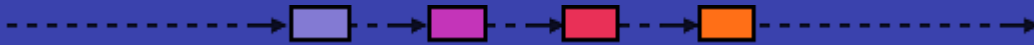Process

Problems with the laissez-faire approach

- Currently there are no standards for how IP rights for such feedback should be handled.

- If grants are not broad enough this could lead to IP claims by "small" contributors and to general uncertainty about IP rights in Java.

- If grants are too broad major players may be unwilling to participate in key JSRs.

- Inconsistency may lead to increased monitoring costs since each project must be reviewed separately, as well as to arguments about whether a specific project is compliant with the JSPA.

Terms of Use as an alternative to the JSPA
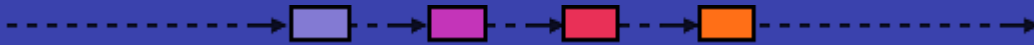
- Many individual developers who wish to make such "small" contributions are unwilling to sign the JSPA, which they find intimidating.

- Enforcement of a signed contribution agreement, even a "JSPA-lite," is virtually impossible given the transparency requirements.

- Realistically, the risks of using ToU (as opposed to the JSPA and/or a formal contributor agreement) are less likely to be factors in the case of "small" contributions.

- "Significant" contributions to a project would still need to be handled under the JSPA and/or a formal contributor agreement.

Java
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4

Proposal: standard Terms of Use

- Define standard Terms of Use that permit the Spec Lead to incorporate, and that permit others to evaluate and comment on, such contributions.

- Post the new ToU on jcp.org.

- Modify the Process Document to require Spec Leads to ensure that these Terms of Use are applied to all "public activities" of the Expert Group, wherever these may be hosted.

  - Individual JSR projects hosted on java.net would reference them in place of the existing site-wide java.net ToU (which would still apply to other java.net projects.)
  - They would similarly be referenced by JSR projects hosted elsewhere.

Design Goals

- Short and simple.
- Either easily understandable by non-lawyers and/or accompanied by a "Plain English" explanation.
- Consistent with the JSPA such that participation on the public forums adds reasonable and expected commitments (such as allowing for public discussion) while still allowing for JSPA signatories' contributions to additionally be governed by JSPA terms.

Proposed Terms of Use

- Contributors give all the right to evaluate and comment on materials posted on the site, including the right to modify and to repost.

- Broad rights to all to use materials other than the code and specification. Broad rights to the Spec Lead to use and incorporate code and spec contributions. Rights to other participants to code and spec contributions at minimum sufficient to allow for appropriate testing and comment.

- To the extent there is a conflict with other agreements (e.g., the JSPA or a contributor agreement) the terms of the other agreement govern.

- Contributors agree to not contribute anything infringing another party's rights.
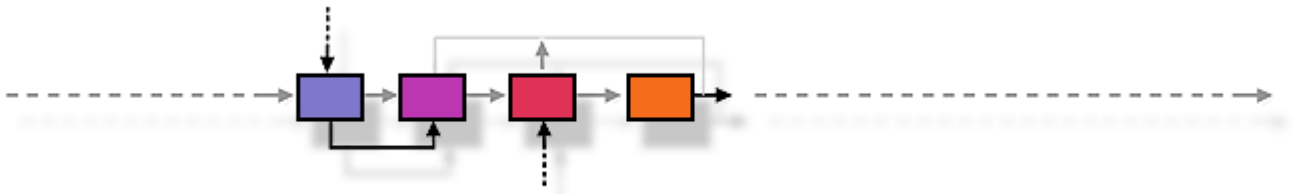
Java Community Process

Suggested implementation

- JSR 358 will not be completed for a long time, but we need not wait to roll this out.

- Post the ToU on jcp.org as soon as we reach agreement.

- The EC should "strongly recommend" that Spec Leads adopt the new ToU.

- Oracle and all EC members should lead by example, and adopt the ToU for all JSRs for which they are Spec Lead.

- This will enable us to gain some real-world experience, and to tweak the ToU or the proposed Process Document requirements if necessary.
  - Make sure to include a version number in the ToU.

Java Community Process

Thank you!
http://jcp.org