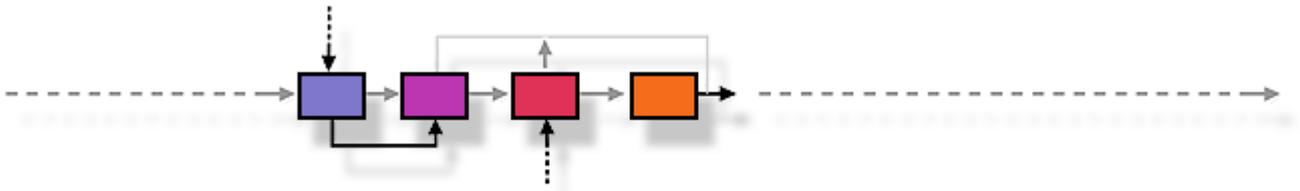




Java  
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Process



# IP Working Group Report

July 9, 2013

# Background



- After discussing the “Oracle Proposals” at the Zurich f2f meeting we agreed:
  - To report EC members’ responses back to Oracle.
  - To re-start the IP Working Group.
- This presentation reports our progress in these areas.

# EC members' responses to Oracle's proposals



- EC members' responses are documented in the following slides (all have been reported back to Oracle.)
- Those listed **in red** have not yet been resolved. A summary of each of these issues has been incorporated (again **in red**) into an updated version of the proposal presentation.
- The other suggestions have been incorporated directly into the updated presentation.

# EC members' responses to Oracle's proposals



- Oracle's determination that Field of Use clauses be permitted should be explicitly called out in the proposals.
- The IP-flow we adopt should be “flat” rather than based on a “hub-and-spoke” model.
  - Contributors should make grants directly to implementers and users rather than IP flowing via the Spec Lead.
- A Contributor Agreement may be unnecessary for projects hosted at well-regulated institutions such as Eclipse and Apache.
- Any Contributor Agreement we approve must be symmetric (not granting special rights to any institution) and must not grant joint ownership to Oracle.

# EC members' responses (2)



- Define a Standard Commercial RI License for use when this is the only RI license offered (when Oracle takes advantage of the *Umbrella JSR exemption*).
- Permit the Spec Lead to offer additional open-source and commercial TCK licenses, which need not be disclosed, as proposed for the RI license.
- **Insisting that the Community TCK License be available only through the RI open-source project discriminates against alternative FOSS implementations (e.g. JBOSS).**
- Commit to community TCK licenses for Java SE and EE.
- **Document Oracle's commitment to waive the *Umbrella JSR exemption* for Java SE and EE.**

# Progress in the IP Working Group



- The group is now meeting again weekly.
- We are focusing on defining what a “flat” (as opposed to “hub-and-spoke”) IPR policy would look like and on the possible need for a standard Contributor Agreement .
- See the meeting minutes in our [Document Archive](#) for details.

# A flat IPR policy



- Oracle’s lawyers are sympathetic to “flattening” the IPR policy.
- However, the *devil is in the details*, and further discussions will be necessary.
- For example, how can we grant exactly the same rights to all Implementers? Isn’t the Spec Lead special?
  - The Spec Lead must have the right to create derivative works, yet we don’t want to grant this right to all implementers (their implementations must be compatible).
- We are approaching (have already passed) the limits of our legal expertise. Time to pass the buck to the lawyers?

# Contributor Agreements (1)



- Oracle's *Open Source Policy and Strategy Officer* (Jim Wright) believes that Oracle could not incorporate JSRs into the platform without an additional CLA.
  - “The EPL and the GPL are not compatible in any combination where the result would be considered ... a derivative work.” ([EPL FAQ](#))
  - “The FSF has never considered the Apache License to be compatible with GPL version 2.” ([Apache license compatibility](#))
- Plus, we want to use the Contributor Agreement as a *JSPA-Lite* for Affiliate Members.
- However...

# Contributor Agreements (2)



- Oracle's lawyers believe they can draft a Contributor Agreement that:
  - Eliminates the joint-ownership language.
  - Is "symmetric" (doesn't grant special privileges to any particular organization).
  - Is "flat" as opposed to "hub and spoke" (hopefully).
- So long as we have appropriate language in the JSPA only those who actually participate in RI-development projects (or who want Affiliate Membership status) would need to sign the CLA.

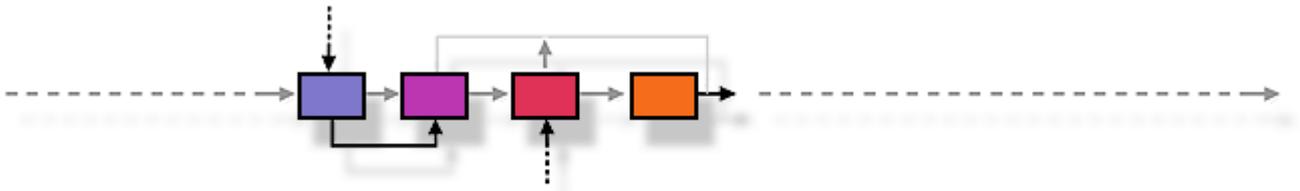
# Next steps



- Continue our discussions with Oracle Legal, with Jim Wright, and within the Working Group.
- Create *Term Sheets* to provide guidelines for Oracle Legal when we ask them to draft documents.
- Jim Wright will attend this week's IP Working Group to present his concerns.
  - If you are interested in this subject, please attend!



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Thank You!

<http://jcp.org>