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.
• 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.
• 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?
• 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](http://example.com))
  
  • “The FSF has never considered the Apache License to be compatible with GPL version 2.” ([Apache license compatibility](http://example.com))
  
  • Plus, we want to use the Contributor Agreement as a *JSPA-Lite* for Affiliate Members.
  
  • However…
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!
Thank You!

http://jcp.org