

GPL Initiative Grows Over 40%; More Than 60 Companies Have Joined the Campaign for Greater Predictability in Open Source Licensing

Camuda, Capital One, CloudBees, Colt, Comcast, Ellucian, EPAM Systems, Inc., Ericsson, Fujitsu Limited, Indeed, Infosys, Lenovo, LG Electronics, NetApp, Salesforce, Seagate Technology, and Volvo Car Corporation are the latest companies to adopt a commitment to provide a cure period

RALEIGH, N.C. — September 10, 2020 — Red Hat, Inc., the world's leading provider of open source solutions, today announced that Camuda, Capital One, CloudBees, Colt, Comcast, Ellucian, Ericsson, EPAM Systems, Inc., Fujitsu Limited, Indeed, Infosys, Lenovo, LG Electronics, NetApp, Salesforce, Seagate Technology, and Volvo Car Corporation have joined an ongoing industry effort to combat harsh tactics in open source software license enforcement by adopting the [GPL Cooperation Commitment](#). By making this commitment, these 17 corporate leaders are seeking to strengthen long-standing community norms of fairness, pragmatism, and predictability in open source license enforcement.

Today's announcement follows several earlier waves of adoption of the commitment by other technology leaders. [Red Hat, Facebook, Google and IBM](#) led the way, first adopting the commitment in November 2017. They were joined in March 2018 by [CA Technologies, Cisco, Hewlett Packard Enterprise, Microsoft, SAP and SUSE](#). In July 2018, 14 additional companies signed on to the commitment: [Amazon, Arm, Canonical, GitLab, Intel Corporation, Liferay, Linaro, MariaDB, NEC, Pivotal, Royal Philips, SAS, Toyota and VMware](#). One month later, in August 2018, the eight founding members of the [Open Invention Network \(OIN\)](#) — Google, IBM, Red Hat, SUSE, Sony, NEC, Royal Philips, Toyota — announced that they had [unanimously adopted](#) the GPL Cooperation Commitment. In [November 2018](#), Adobe, Alibaba, Amadeus, Ant Financial, Atlassian, Atos, AT&T, Bandwidth, Etsy, GitHub, Hitachi, NVIDIA, Oath, Renesas, Tencent, and Twitter joined the commitment.

With today's announcement, more than 60 organizations have adopted the GPL Cooperation Commitment. The 17 new companies in today's announcement are a diverse set of leading companies whose participation makes evident the worldwide reach of the GPL Cooperation Commitment. They comprise globally-operating companies and mark a significant expansion of the initiative. They represent a broad spectrum of businesses including cloud, semiconductor, computing hardware, enterprise software, telecommunications, financial services, automotive, and software consulting.

The GPL Cooperation Commitment is a means for copyright owners in GPL code to provide opportunities for their licensees to correct errors in compliance with software licensed under the GPLv2 family of licenses before taking action to terminate the licenses. Version 2 of the GNU General Public License (GPLv2), version 2 of the GNU Library General Public License (LGPLv2), and version 2.1 of the GNU Lesser General Public License (LGPLv2.1) do not contain express "cure" periods to fix noncompliance prior to license termination. Version 3 of the GNU GPL (GPLv3) addressed this by adding an opportunity to correct mistakes in compliance before the licenses terminate. Those who adopt the GPL Cooperation Commitment extend the cure provisions of GPLv3 to their existing and future GPLv2 and LGPLv2.x-licensed code.

Specifically, the commitment language adopted by each company is:

Before filing or continuing to prosecute any legal proceeding or claim (other than a Defensive Action) arising from termination of a Covered License, [Company] commits to

extend to the person or entity ("you") accused of violating the Covered License the following provisions regarding cure and reinstatement, taken from GPL version 3. As used here, the term 'this License' refers to the specific Covered License being enforced.

However, if you cease all violation of this License, then your license from a particular copyright holder is reinstated (a) provisionally, unless and until the copyright holder explicitly and finally terminates your license, and (b) permanently, if the copyright holder fails to notify you of the violation by some reasonable means prior to 60 days after the cessation.

Moreover, your license from a particular copyright holder is reinstated permanently if the copyright holder notifies you of the violation by some reasonable means, this is the first time you have received notice of violation of this License (for any work) from that copyright holder, and you cure the violation prior to 30 days after your receipt of the notice.

[Company] intends this Commitment to be irrevocable, and binding and enforceable against [Company] and assignees of or successors to [Company]'s copyrights.

[Company] may modify this Commitment by publishing a new edition on this page or a successor location.

Definitions

'Covered License' means the GNU General Public License, version 2 (GPLv2), the GNU Lesser General Public License, version 2.1 (LGPLv2.1), or the GNU Library General Public License, version 2 (LGPLv2), all as published by the Free Software Foundation.

'Defensive Action' means a legal proceeding or claim that [Company] brings against you in response to a prior proceeding or claim initiated by you or your affiliate.

'[Company]' means [Company] and its subsidiaries.

Any company, individual or project can adopt the GPL Cooperation Commitment by following the instructions at <https://gplcc.github.io/gplcc/>.

Supporting Quotes and Links to Commitments

David Levine, vice president and associate general counsel, Red Hat

"The continued success of the GPL Cooperation Commitment shows that the open source community is taking a stand against the threats posed by irresponsible litigation, in favor of the long-standing open source principle of collaboration. This commitment seeks to reduce uncertainty and to ensure that enforcement is responsibly exercised. Its momentum sends a clear message across multiple industries that open source compliance should be conducted in a fair and reasonable manner and not for the purpose of monetizing minor infractions."

Daniel Meyer, CTO, Camunda

"Camunda is joining the GPL Cooperation Commitment because it's the fair thing to do. Community members should have the chance to make it right if they mistakenly fall out of licensing compliance, and the cooperation commitment provides a better path to enforcement."
<https://docs.camunda.org/manual/7.13/introduction/licenses/#gpl-cooperation-commitment>

John Mark Walker, director, Open Source Program Office, Capital One

"Open source software has changed how we hold discussions about development best practices, which is why Capital One is proud to support the GPL Cooperation Commitment initiated by Red Hat. At Capital One, we take an open source-first approach to software development, and commitments like the GPL Cooperation not only allow for greater predictability in open source licensing, they help grow the open source ecosystem and drive software innovation."

<https://github.com/capitalone/GPL-Cooperation-Commitment>

Sacha Labourey, CEO, CloudBees

"At CloudBees, we believe in open source and the freedom of innovation it offers to anyone that wants to contribute to or receive value from it. Unfair legal proceedings around licensing are not an acceptable, community-friendly way of working. Open source software has led to unparalleled innovation for all to benefit from and these basic principles must be protected."

<https://www.cloudbees.com/blog/general-public-license-issue>

Alessandro Galtieri, deputy general counsel, Colt Technology Services

"The GPL Cooperation Commitment is a fair and reasonable solution to some potential abuse of GPL terms and supports the development of the Open Source community. Colt strives to demonstrate its core values of integrity and transparency with all its counterparts every day, and we are, therefore, pleased to adopt the Commitment."

<https://www.colt.net/legal/>

Edward Rockwell, senior vice president and general counsel, EPAM Systems, Inc.

"At EPAM, we believe that open source is often a critical foundation to technological advancement that is both innovative and nimble yet also stable and secure. We are pleased to be part of the GPL Cooperation Commitment to support increased participation in the use and development of open source software. The transparent and collaborative nature of open source software development offers enterprise organizations enhanced flexibility and efficiency to build technology solutions to solve their dynamic business needs."

<https://www.epam.com/open-source/gpl-cooperation-commitment>

Kaneshige Kenji, vice president and deputy head, Platform Software Business Unit, Fujitsu

"Fujitsu has long assisted enhancing enterprise Linux with the open source community for more than 20 years. Providing a cure period to correct license compliance issues will foster adoption of open source software and participation in open source communities. We believe that the GPL Cooperation Commitment encourages healthy growth of open source and sustainable development of the industry."

https://www.fujitsu.com/jp/documents/about/businesspolicy/tech/intellectualproperty/gpl_cooperation%20commitment.pdf

Shuvajit Mitra, corporate counsel (Open Source and IP), Infosys Ltd.

"Infosys, as one of the next generation global leaders in IT, digital and consulting services, and enabling clients in 46 countries to navigate their digital transformation, is in the forefront of adopting and embracing open source software to drive innovation and growth at a scale and speed matching the best in the industry.

"Infosys believes that to be a good open source citizen, it should be one of the companies that fosters collaboration and participation in developing the open source ecosystem in a way that is not detrimental towards this stated objective and, which mitigates any activity that provides

ways to discourage activities and enforcement of open source licenses for financial or personal gain taking advantage of different court or legal interpretations.

"We, at Infosys, understand the risks posed by the automatic termination feature in GPL v2 and LGPL v2.x licenses and associated concerns of users & adopters in relation to software distributed under these licenses.

"To address the above apprehensions and achieve the objectives, we at Infosys make our Commitment and commit to apply the cure and reinstatement language of GPLv3 to our copyrighted code that is licensed under GPLv2, LGPLv2 and LGPLv2.1."

<https://www.infosys.com/services/open-source/insights/gpl-commitment.html>

John Mulgrew, vice president, deputy general counsel and chief intellectual property officer, Lenovo

"Lenovo is pleased to join the GPL Cooperation Commitment pledge. As a global technology company and an active member of an Open Source Community, Lenovo views the open source community as an engine behind ongoing innovations in our industry, a place focused on bringing together developers across the world to cooperate and create new and exciting products, technologies and even industries.

By adopting this pledge, Lenovo commits to providing flexibility to cure license violations for projects using GPLv2, LGPLv2.1 and LGPLv2.0 so that implementers have time and support to improve their compliance as outlined in this pledge. We encourage other contributors using these licenses to do the same so that implementers can avoid needless aggressive tactics and threats of termination that can undermine adoption of open source projects."

<https://github.com/lenovo/gplcc/blob/master/GPL%20Cooperation%20Commitment-Lenovo.md>

I.P. Park, president and CTO, LG Electronics

"LG Electronics is thrilled to be a part of the GPL Cooperation Commitment. We will continue to promote the use of open source software in the right way and further encourage collaboration spirit in the open source community."

<https://github.com/LGE-OSS/gpl-commitment>

Matt Fawcett, senior vice president and general counsel, NetApp

"NetApp is committed to fostering collaborations and innovations in the open source community. We are pleased to join the GPL Cooperation Commitment."

Andrea Leszek, executive vice president and chief operating officer, Technology, Salesforce
Salesforce has been involved in open source since its earliest days and contributes to hundreds of open source projects annually to help make our customers successful. The GPL Cooperation Commitment will help ensure the open source ecosystem stays healthy and fair. We look forward to seeing new innovations continue to spring from the open source community.

<https://github.com/salesforce/gpl-commitment/>

Ken Claffey, vice president and general manager, Enterprise Data Solutions, Seagate Technology

"Seagate Technology is committed to the success of open source software. We believe the GPL Cooperation Commitment is a common sense approach to encourage more collaboration in open source software."

<https://github.com/Seagate/GPL-Commitment>

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Forward-Looking Statements

Certain statements contained in this press release may constitute "forward-looking statements" within the meaning of the Private Securities Litigation Reform Act of 1995. Forward-looking statements provide current expectations of future events based on certain assumptions and include any statement that does not directly relate to any historical or current fact. Actual results may differ materially from those indicated by such forward-looking statements. The forward-looking statements included in this press release represent the Company's views as of the date of this press release and these views could change. However, while the Company or its parent International Business Machines Corporation (NYSE:IBM) may elect to update these forward-looking statements at some point in the future, the Company specifically disclaims any obligation to do so. These forward-looking statements should not be relied upon as representing the Company's views as of any date subsequent to the date of this press release.

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