

# OSI Transparency Reports

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We would like to introduce (and thank!) Amol Meshram, who has joined us here at the OSI to provide monthly summaries of both the License-Discuss and License-Review mailing lists. We hope these reports provide you with a helpful snapshot of the monthly activities on the lists, keeping you up to date with the latest topics, while also providing a reference point for further discussion. Of course all suggestions are welcome as we continue to enhance our reporting. We will try our best to include the feedback from OSI community members to make the summaries as accurate as possible and the discussions lively and fruitful.

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Carlo Piana is not in favour of The Vaccine License and feels it is a trolling exercise. Filli Liberandum suggested to Carlo Piana to read the mailing list code of conduct. In furtherance to it, Filli Liberandum explained why there is a necessity of acknowledging The Vaccine License by OSI board and its members.

Anand Chowdhary based on his experience of adding privacy compliance under twente open source license pointed out that there are better ways to protect privacy of individuals like local/national/international regulation instead of protecting it through open source license. He is of the opinion that there are better ways to advocate for vaccination and open source license is not the better way to advocate for it.

Filli Liberandum countered to Anand Chowdhary by citing example of Cryptography

Autonomy License of Mr. Lindstrom which ask for some release of data as a condition and head of OSI has publicly accepted this condition. Pamela Chestek brought into notice of Filli Liberandum that OSI did not endorse the view of Simon Phipps (referred head of OSI by Filli) on Cryptography Autonomy License data condition clause. Simon Phipps is member of the board along with others. Simon Phipps views on CAL are personal.

Filli Liberandum raised a concern with respect to archives as it is stuck in a plaintext mode. Simon Phipps suggested to Filli Liberandum to familiarize with License-review process and change the tone of message and requested to leave moderating to the moderators to which Filli agreed and responded that here onwards Filli will directly reach out to concerned members. Gil Yehuda responded to Fil that Licenses usually do ask for things in return and appreciated the efforts of Fil in writing The Vaccine License, while considering the OSD. Gil raised an important point of enforceability of The Vaccine License in the real life scenario. Gil is of the opinion that one can right a blog and promote the importance of the idea instead of restricting it with copyright license. To buttress claim, Gil cited article written by Selam G which convinced Gil to support Free Software Movement. The reason behind citing this article is to explore other platforms instead of publishing work under copyright license.

Carlo Piana responded to Fil that The Vaccine License is discriminatory and non-enforceable in nature. Carlo thinks that vaccination can be achieved through local authorities instead of enforcing it through copyright license. Carlo believes one should provoke reactions rather than genuine attempt of having a license approved.

Josh Berkus agrees with Carlo on provoking reactions from members on license instead of attempting for approving the license. Josh suggested to take this submission as a use case and put it on opensource.org for future reference.

Carlo Piana is of the same view that opensource.org should take this submission as a use case for future submissions to avoid duplication of work.

Bruce Perens is also of the opinion that a direct law on vaccination will be more effective than a license. Similarly, Bruce also wrote two blog posts on the issue of 'ethical' licenses wherein Bruce referred the proposed The Vaccine License.

Grahame Grieve replied to Bruce's blog post and appreciated the efforts of writing blog post on ethical license and also the basic arguments put forwards by Bruce. But Grahame bothered by the lack of ethics in the Vaccine License, judging vaccine license solely based on enforceability clause. Similarly, Grahame wanted to know whether the lawyers, courts and violators laugh at license and is there any precedent on when someone gives something of value away, on the condition that it not used in a particular way? Bruce Perens replied to all the queries of Graham Grieve. Firstly, Bruce Perens claims blog post argument is based on law instead of license terms. Secondly, Bruce has experience in handling litigation for various reasons and Bruce wants other should not get into litigation for same cause of action. Lastly, Bruce said Lawyers, courts and violators laugh at license and this whole exercise will be term as a 'copyright misuse'.

Kevin P. Fleming replied to Graham and pointed that The Vaccine License does not talk about goals instead it focusses on action to be performed which is not in sync with the use of the software. Similarly, Kevin is of the opinion that The Vaccine License violates the OSD 5. To this Grahame Grieve countered by saying if The Vaccine license is applied to health software then in such scenario would Kevin change his opinion.

Van Lindberg appreciated various aspect of the Vaccine License and efforts put forward by Fil in creating the vaccine license. But Van feels the Vaccine License does not qualify for OSS

because it imposes conditions which are logically separate from and wholly unrelated to scope intellectual property rights that are licensed. Similarly, Van attempted to answer the question on what scope of action can be required of a license? Van observed if restrictions are closely related to the exercise of the intellectual property rights granted under license then such restrictions make sense and compatible with OSD.

Filli Liberandum replied to analysis of Van and requested to reverse engineer the rules from the approved licenses which Fil believe will lead us to conclusion that the Vaccine License attempt is not an accidental in nature.

Josh Berkus feels that The Vaccine License is very good example for ??unrelated conditions?? license which can be referred in future as a textbook example to differentiate between what kind of licenses OSS supports and what can't be supported by OSS license.

## [OSS Legal](#)

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