

# Oracle continue to circumvent EXPORT\_SYMBOL\_GPL()

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So, in the face of a technical mechanism designed to enforce the author's beliefs about the copyright status of callers of this function, Oracle deliberately circumvent that technical mechanism by simply re-exporting the same function under a new name. It should be emphasised that calling an EXPORT\_SYMBOL\_GPL() function does not inherently cause the caller to become a derivative work of the kernel - it only represents the original author's opinion of whether it would. You'd still need a court case to find out for sure. But if it turns out that the use of ktime\_get() does cause a work to become derivative, Oracle would find it fairly difficult to argue that their infringement was accidental.

Of course, as copyright holders of DTrace, Oracle could solve the problem by dual-licensing DTrace under the GPL as well as the CDDL. The fact that they haven't implies that they think there's enough value in keeping it under an incompatible license to risk losing a copyright infringement suit. This might be just the kind of recklessness that Oracle accused Google of back in their last case.

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[1] <http://www.tuxmachines.org/taxonomy/term/144>

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[3] <http://mjb59.dreamwidth.org/31357.html>