

# Review of "The IFOSS Law Book"

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## **Abstract**

The International Free and Open Source Software Law Book is a collaborative effort to create a coherent publication on legal aspects of FOSS in various jurisdictions. Marcus O'Leary kindly accepted to have his review republished on IFOSS L. Rev.

## **Keywords**

Law; information technology; Free and Open Source Software;

The book has two forms, an "evolving" form based at <http://www.ifosslawbook.org> and a "yearly complete" form that is to be physically published through the Open Source Press, Germany. At present, the book is obtainable only in its "evolving form", where the first introductory chapter for each of the thirteen countries featured has been completed in draft form by the primary author/editor for that country. We are told that chapter authors are carefully selected to ensure a high quality of the initial contribution. It is intended that further countries and chapters be added in time.

The book, as a whole, is governed by a handful of parties who have stewarded the initial release but their intention is to develop a formal governance structure over time. This first chapter deals with the general legal background under which FOSS licences operate in each country and makes fascinating reading. It also includes FOSS cases (if any) that have been decided in each jurisdiction and the remedies which may or may not be available to a party whose rights have been infringed. Also contained are "tasters" of some of the more difficult issues that arise in relation to the operation of FOSS licences: a forerunner of delights to come.

The idea is that members of the broader network review comment and improve the chapter texts as an open reference intended to benefit all. Not only that, but third party legal or technical experts (either in FOSS or in other fields) are also invited to provide feedback on the various chapters and also on the book itself, via the main website.

The book is positioned as a first resource for legal experts, faced with a legal question under a jurisdiction other than their own, who need to gain an understanding of how FOSS licences are treated in that jurisdiction. They can then go on, if need be, to seek further information or local legal advice.

The meat of the book is yet to come. That will lie in the country by country analysis of how specific FOSS licences operate in the various jurisdictions covered. This should provide an invaluable reference to FOSS experts around the world and also as a primer for legal experts with a traditional proprietary licence perspective - although it would be unwise for the latter to "dabble" too deeply as it takes some years to become familiar with the FOSS landscape.

Apart from, in some country chapters, a more rigorous approach to proof reading, there is not much to improve in this publication and, after all, there is a mechanism for doing so built into it.

All I would really like to see at this early stage is a rather tighter country format, so that there is closer correlation of sections and section headings, country by country. I realise that it won't always be possible to do this and that a certain amount of flexibility has to be maintained but it would make cross-referencing much easier. For example, the US section (which is particularly well-written and almost "bug" free) has a large section on the patent protection of software. In using this book, a US lawyer, in order to see how FOSS may be treated under another jurisdiction, may search for a similarly-named section in other jurisdictions. At the moment he would be hard-pressed to find one.

Also, perhaps over-arching matters such as the "copyleft principle" could be explained in a separate "Glossary" section rather than appearing in each country chapter. Personally, I would also like a date at the end of each chapter and an easier method for downloading all of the chapters (I clipped into Evernote.)

## Conclusion

But these are quite small things in the context of the work as a whole and quite easily remediable just by using the mechanisms provided for doing so. In my opinion, this book is a very important addition to the literature on FOSS and its licences around the world and I recommend it wholeheartedly.

***About the author***

***Marcus O'Leary*** *Is a consultant at Lewis Silkin LL.P, he is a UK and Ireland solicitor in private practice. Lucky enough to have been one of the first IT lawyers in the UK by being in the right place at the right time - particularly in the late 1980s, starting off in-house by being Manager of Legal Affairs at Hewlett Packard (from 1978 to 1983) and then later, in private practice, acting for many of the largest and most successful IT companies in the world. Still enjoys IT work and specialise in IT matters generally but in particular in Cloud Computing, Open Source Software and Software and Business Method Patents.*

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