

Sugarizer's « Licenses » workshop Summary

Licensing issues and opportunities



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1.0	11/02/2019	Benjamin JEAN	Version initiale
1.1	26/05/2019	Benjamin JEAN	Version corrigée après retours
1.1-ve	30/06/2019	Benjamin JEAN	Proposition de traduction

1 | Background and issues

Sugar is a free and open educational software package developed by the "One Laptop Per Child" project, which is used nowadays by more than 2 million children around the world.

Developed by MIT between 2006 and 2008, then supported by the Software Freedom Conservancy since 2008¹, Sugar and its activities² are written in Python and released under the *GNU General Public license v3.0 or later*³. Thereafter, some activities have been developed to work in website pages (containing among others a "Sugar Web" mini-framework⁴ incorporating the principles of Sugar⁵, an example of web activity untitled « labyrinthe »⁶ and some graphical elements dedicated to these web activities⁷). These latter have all been released under *Apache Licence 2.0*⁸. Since 2008, each contributor of those projects grants its rights in accordance with the license of the project, without signing, however any Contributor License Agreement (CLA) or Developer Certificate of Origin (DCO).

Sugarizer is the result of a rewriting of the Sugar software to allow its use through a web interface. Based on Sugar Web, Sugarizer is itself distributed under license *Apache Licence 2.0*. All other Sugarizer activities are the result of HTML/JS development based on Sugar's activities. They are also nowadays under *Apache Licence 2.0*.

Considering the two Open Source licenses used in this way, a community discussion revealed the need to clarify the dependency relationships between Sugar and Sugarizer in order to assess their effects in terms of *GNU General Public license v3.0 or later*⁹. More widely, it's also about identifying the effects related to the use of Sugar Web within Sugarizer, reproduction of Sugar's graphical interface (including the graphic elements themselves such as icons) and to question the application of GNU and (A)GPL (*GNU General Public License v3.0* or later et *GNU Affero General Public License v3.0 or later*) within activities developed for Sugar and combined with Sugarizer.

A workshop was held on March 14, 2019 between Benjamin Jean, Inno³, Lionel Laské (OLPC's France Organisation treasurer, board member of SugarLabs, and current developer of Sugarizer), and Bastien Guerry, OLPC's France President and contributor to the project, in order to examine

1 <https://sugarlabs.org/> ; https://wiki.sugarlabs.org/go/Sugar_Labs. SugarLabs Foundation is the Sugar's copyright holder (as expressly mentionned in the legal notice).

2 Most of activities are using GPL 2(+) or 3(+) :

- <http://activities.sugarlabs.org/fr/sugar/addon/4078> (GPLv2)
- <http://activities.sugarlabs.org/fr/sugar/addon/4201> (GPLv2+)
- <http://activities.sugarlabs.org/fr/sugar/addon/4038> (GPLv3+)

3 Sugars' components are published under GPLv3 : <https://github.com/sugarlabs/sugar/blob/master/COPYING> -<https://spdx.org/licenses/GPL-3.0-or-later.html>

4 <https://github.com/sugarlabs/sugar-web>

5 https://wiki.sugarlabs.org/go/Human_Interface_Guidelines

6 <http://activities.sugarlabs.org/fr/sugar/addon/4727>

7 <https://github.com/sugarlabs/sugar-artwork>

8 <https://spdx.org/licenses/Apache-2.0.html>

9 <https://github.com/llaske/sugarizer/issues/48>

these questions more precisely and provide initial key answers. This summary reflects the scenarios identified during the workshop and does not replace a technical analysis of the various elements involved in order to identify possible reproductions of protected elements.

2 | Range of dependencies between Sugar and Sugarizer, issues by licensing terms.

The first question concerns the existing relationship between Sugar's code (published under *GNU General Public License v3.0 or later*) and Sugarizer (published under *Apache License 2.0*), both for the core and for related activities.

Sugar being licensed under *GNU General Public License v3.0 or later*, any derivative work must be licensed under the same terms – which would require the distribution of Sugarizer under the same license if it were considered as such a derivative work (Section 5. c) of *GNU General Public License v3.0 or later*).

2.1 Legal obligations arising from third-party components

2.1.1 Sugarizer Core code.

In terms of reliance, Sugarizer relies on Sugar web, a development framework licensed by SugarLabs under license *Apache License 2.0*.

All Sugarizer features being derived from this functional and graphical component, Sugarizer needs to comply with the Sugar web's permissive license (*Apache License 2.0*) and not Sugar's copyleft license (*GNU General Public License v3.0 or later*).

The choice of *Apache License 2.0* for Sugarizer is a voluntary choice of the project, which is, moreover, fully compliant with the associated license.

Key take away 1: By lack of dependency between Sugarizer and Sugar, the choice of the *Apache License 2.0* for Sugarizer is indeed possible.

Key take away 2: Nevertheless, Sugarizer must comply with a handful of obligations when redistributing a derivative code, these obligations are naturally covered in this case by the choice of a licensing under *Apache License 2.0*.

2.1.2 Sugarizer activities code.

Regarding the different activities available with Sugarizer, number of them are a rewriting of Sugar's activities¹⁰. The mere fact of studying and operating these initial activities in order to

¹⁰ Sugar activities can be separately implemented : <http://activities.sugarlabs.org/fr/sugar/>

develop similar activities is not sufficient to produce derivative works since those new applications do not include any developments directly derived from the first ones.

As it stands, the link between the former and the new code is necessarily very thin because of the strong conceptual differences between the two programming languages respectively used. The new code is thereby a completely independent and original personal contribution. The protocols used are also completely different.

Considering that, even if the reading of Sugar's code made it possible to correctly understand how the applications works, it has not led to the reproduction within Sugarizer of any material covered by any intellectual property right.

Key take away 3: The choice of the *Apache License 2.0 license* for Sugarizer's activities may be a voluntary choice as each of these activities reuses only the ideas implemented by the first developments and not their shape.

2.1.3 Visual components rework

Regarding all artworks as well as the graphical interface, these are the graphic elements taken from Sugar Web (*Apache License 2.0*) according to their license. There is therefore no difficulties regarding this reuse within Sugarizer.

In addition, artworks are works that are completely independent and separate from the code that uses them. In this context, they might be licensed separately and redistributed under their own terms (in accordance with the notion of mere aggregation defined by the *GNU General Public License version 3*)¹¹.

Key take away 4: Concerning the additional icons that had been developed for Sugar and its activities, and that can be found on Sugarizer, they are independent, or even derived from Sugar Web (*Apache License 2.0*).

Key take away 5: For consistency, it would be useful to specify that the license associated with the first icons (*Apache License 2.0*) now extends to all other project icons derived from it, unless expressly mentioned and duly justified.

2.2 Using of third-party activities subject to other terms

Sugarizer has first used two third-party activities subject to other terms: TurtleJS¹² developed by Sugar Labs and licensed under the *GNU Affero General Public License v3.0 or later* and

11 GNU GPL 3.0 , section 5: « A compilation of a covered work with other separate and independent works, which are not by their nature extensions of the covered work, and which are not combined with it such as to form a larger program, in or on a volume of a storage or distribution medium, is called an "aggregate" if the compilation and its resulting copyright are not used to limit the access or legal rights of the compilation's users beyond what the individual works permit. Inclusion of a covered work in an aggregate does not cause this License to apply to the other parts of the aggregate. »

12 <https://turtle.sugarlabs.org/>

Jappy under the *GNU General Public License v3.0 or later*. Only the turtleJS case was covered at the workshop.

Sugarizer is wondering about the integration of the TurtleJS activity together with Sugarizer. Typically in JavaScript applications, JavaScript code is downloaded – distributed as defined in the license – to be executed directly on the user's computer connected to the website. As a result, using the *GNU Affero General Public License v3.0 or later* has exactly the same *legal* effects as the *GNU General Public License v3.0 or later*.

Key take away 6: The consequences of choosing the *GNU Affero General Public License v3.0 or later* are exactly those that may be generated by the *GNU General Public License v3.0 or later* in the context of use of TurtleJS.

The interaction between Sugarizer and TurtleJS is only limited to launching the activity (from a dedicated button within Sugarizer), adding a button within TurtleJS to go back to the main Sugarizer screen and storing dedicated logs in the general Sugarizer log. Such a distribution of independent and separate applications is expressly planned and authorized by the *GNU General Public License v3.0 or later* as an aggregation¹³.

Key take away 7: The way the activity is used doesn't create any dependency between the two applications that would require the extension of the *GNU General Public License v3.0 or later* to the whole package.

The distribution of Sugarizer under the *Apache License 2.0* and activities subject to a *GNU Affero General Public License v3.0 or later*, or a *GNU General Public License v3.0 or later* is permitted under the notion of aggregation specifically provided for in the *GNU General Public License v3.0 or later*.

2.3 Distribution of GNU GPL applications through App Store

The distribution of software on Apple's App Store may result in the approval of terms of use that might be incompatible with the *GNU General Public License v3.0 or later*. Indeed, the AppStore's Term of services, that both developers and users must accept, restricts the use that can be made by the final user of the software, which is in contradiction with the *GNU General Public License v3.0 or later* which prohibits such restrictions of use¹⁴.

13 GNU GPL 3.0, section 5 : « A compilation of a covered work with other separate and independent works, which are not by their nature extensions of the covered work, and which are not combined with it such as to form a larger program, in or on a volume of a storage or distribution medium, is called an "aggregate" if the compilation and its resulting copyright are not used to limit the access or legal rights of the compilation's users beyond what the individual works permit. Inclusion of a covered work in an aggregate does not cause this License to apply to the other parts of the aggregate. »

14 GNU GPL 3.0, section 10: « You may not impose any further restrictions on the exercise of the rights granted or affirmed under this License. For example, you may not impose a license fee, royalty, or other charge for exercise of rights granted under this License, and you may not initiate litigation (including a cross-claim or counterclaim in a lawsuit) alleging that any patent claim is infringed by making, using, selling, offering for sale, or importing the Program or any portion of it. »

Such a difficulty concerns the distribution of a version of Sugarizer on AppStore that would include TurtleJS. It was on this basis that VLC application was initially removed from the AppStore, before being reintroduced under a new license (dual license *Mozilla Public License 2.0* and *GNU General Public License v3.0*) less strict.

Key take away 9: Thus such a distribution of TurtleJS will only be possible via the AppStore if its license is modified in accordance with this choice.

3 | Workshop main's learnings.

Based on the workshop discussions, the following lessons can be learn :

1. The current license of Sugarizer (***Apache License 2.0***) is possible as long as Sugarizer is not derived from Sugar, but only from Sugar Web (itself available under ***Apache License 2.0***).
2. The license of Sugarizer's activities may be the ***Apache License 2.0*** as long as these activities do not derive from protected elements of Sugar (and there are strong arguments in this sens).
3. Artworks are separate and code-independent creations and can therefore be used within applications independently of their licensing policies.
4. The integration of activities subject to other Open Source licenses than ***Apache License 2.0*** is possible given the current architecture of the software, which does not involve any dependence between such activities and the Sugarizer core.
5. The distribution of Sugarizer within the AppStore prohibits the integration of modules or activities subject to ***GNU (A)GPL*** style of licenses due to the incompatibility between these licenses and the AppStore's Tos.