

# Webinar: A Guide to Free and Open Source Software - May 24th, 2018

## Questions and Answers

### Question 1:

If you have to write an email to the developer to get the code, can it be considered free and open source software?

### Answer:

Software is Free and Open Source Software if it is licensed under a Free and Open Source Software License. It is possible that you have to write to the developer to get the code. But if you get a copy of the object code in most cases you should be able to get the corresponding source code without asking the developer.

### Question 2:

What is the difference between “free software” and “open source software”?

### Answer:

**Free Software** is software that is licensed under a Free Software License. The Free Software Foundation has a list with all the licenses that qualify as Free Software Licenses. These licenses thus ensure the requirements of the Free Software Definition.

**Open Source Software** is software that is licensed under an Open Source Software License. The Open Source Initiative has a list with all the licenses that qualify as Open Source Software Licenses. These licenses ensure the requirements of the Open Source Software Definition.

The Free Software Definition and the Open Source Software Definition are very similar. Therefore most software licenses that qualify as Free Software Licenses also qualify as Open Source Software Licenses, examples are the GNU GPL, MPL, BSD and Apache license.

For more information listen to the second episode of our podcast series:

[https://ccdigitallaw.ch/application/files/6015/2569/6800/Episode\\_2.mp3](https://ccdigitallaw.ch/application/files/6015/2569/6800/Episode_2.mp3)

**Question 3:**

Can users download the Free and Open Source Software code for free from a third party source, even if the developer asks for money for the copy?

**Answer:**

Yes, this is possible. Every distributor of Free and Open Source Software code can decide whether they want to demand money for a copy of the code or not.

**Question 4:**

Can the license of a FOSS be considered the copyright notice?

**Answer:**

It depends. Some FOSS Licenses may contain copyright notices (e.g. ©, “all rights reserved” ). But the code itself can also contain copyleft notices but it does not have to.

**Question 5:**

When I combine things under two different Free and Open Source Software Licenses, should I use the most restrictive one for the final product?

**Answer:**

When combining code from two different licenses, often the most restrictive of the licenses has to be used for the final product. But there are also licenses that are incompatible, this means it is (legally) not possible to combine the code. Other times there are exceptions. It is important to decide on a case by case basis for each combination.

**Question 6:**

Is it thus possible that the owner/developer can substitute the existing license with a more permissive as well?

**Answer:**

No, the license cannot be changed. Once a computer program is distributed under a FOSS license it is not possible to withdraw or change the license. But the owner of the copyrights of a computer program can license the code under several licenses. This means code could be licensed under a copyleft license and later also be released under a permissive FOSS license or even under a Non-FOSS license. But this is only possible for the owner of all the copyrights. If someone does not own (all) the copyrights of all parts of a computer program, the code cannot be released under another license.