

# Software Licencing



This Advice Sheet provides an introduction to Software Licencing, and is specifically written as guidance for a schools audience. As such it does not address in depth all matters relating to software licencing, and as such a number of web links are provided below which provide further information.

The document provides a summary introduction under the following headings:

- a) What is a software licence
- b) Summary Advice to schools
- c) Types of licences
- d) Free software
- e) Freeware
- f) Open source software
- g) Proprietary software
- h) Shareware
- h) Some relevant links

## What is a software licence

A software license is a legal instrument governing the use or redistribution of software. In general software is copyright protected, except for material in the public domain. A typical software license grants an end-user permission to use one or more copies of software in ways where such a use would otherwise potentially constitute copyright infringement of the software owner's rights under copyright law.[1][5]

## Summary Advice to schools

1. Schools should familiarise themselves with the types of licences available for software to meet their needs.
2. Schools should abide by the conditions of the licence and should be aware that violation of these conditions may have implications, including legal implications.

## Types of licences

Software licenses generally fit into the following categories: proprietary licenses and free and open source licenses, which include free software licenses and other open source licenses. The features that distinguish them are significant in terms of the effect they have on the end-user's rights. A free open source license makes software free for inspection of its code, modification, and distribution. Some free licenses, such as the GNU General Public License (GPL), allow the product and/or derivative to be commercially sold. Software can also be in the form of freeware or shareware.

## Free Software [2]

A primary consequence of the free software form of licensing is that acceptance of the license is essentially optional — the end-user may use the software without accepting the license. However, if the end-user wishes to exercise any of the additional rights granted by a free software license (such as the right to redistribute the software), then the end-user must accept, and be bound by, the software license. Free software is considered free as in 'liberty not price', though it may be cost free in some cases. The Free Software Foundation (FSF) promotes computer user freedom and to defend the rights of all free software users.

## Freeware

Freeware is software that is available for use at no cost or for an optional fee, but usually with one or more restricted usage rights. Freeware is in contrast to commercial software, which is typically sold for profit. Software classified as freeware is licensed at no cost and is either fully functional for an unlimited time; or has only basic functions enabled with a fully functional version available commercially or as shareware.

## Open Source Software [3]

The term open source describes practices in production and development that promote access to the end product's source materials. Some consider open source a philosophy, others consider it a pragmatic methodology. Open source licenses generally fall under two categories: Those that aim to preserve the openness of the software itself, this is known as copyleft licenses, and those that aim to give freedoms to the users of that software (permissive licenses). The Open Source Initiative (OSI) [3] is an organization dedicated to promoting open source software.

An example of a copyleft free software license is the GNU General Public License (GPL). This license is aimed at giving the end-user permission to redistribute, reverse engineer, or otherwise modify the software under the terms of the license. These permissions are not entirely free of obligations for the end-user, however. The end-user must comply with certain terms if the end-user wishes to exercise these extra permissions granted by the GPL. For instance, any modifications made and redistributed by the end-user must include the source code for these, and the end-user is not allowed to re-assert the removed copyright back over their derivative work. The modified software is therefore also publicly available for further modification by any user.

## Proprietary software [4]

Proprietary software is computer software licensed under exclusive legal right of the copyright holder. The licensee is given the right to use the software under certain conditions, but restricted from other uses, such as modification, further distribution, or reverse engineering.

The characteristic of proprietary software licenses is that the software publisher grants the use of one or more copies of software under the end-user license agreement (EULA), but ownership of those copies remains with the software publisher (hence use of the term "proprietary"). This feature of proprietary software licenses means that certain rights regarding the software are reserved by the software publisher. Therefore, it is typical of EULAs to include terms which define the uses of the software, such the number of installations allowed or the terms of distribution.

The most significant effect of this form of licensing is that, if ownership of the software remains with the software publisher, then the end-user must accept the software license. In other words, without acceptance of the license, the end-user may not use the software at all. One example of such a proprietary software license is the license for Microsoft Windows. As is usually the case with proprietary software licenses, this license contains an extensive list of activities which are restricted, such as: reverse engineering, simultaneous use of the software by multiple users.

## Shareware

The term shareware refers to proprietary software that is provided to users without payment on a trial basis and is often limited by any combination of functionality, availability, or convenience. Shareware is often offered as a download from a website or as a CD included with a newspaper or magazine. The rationale behind shareware is to give buyers the opportunity to use the program and judge its usefulness before purchasing a license for the full version of the software.

## Relevant Links

Relevant Links:

Some relevant links which are referenced for this Advice Sheet are:

[1] Wikipedia - Software Licencing

[http://en.wikipedia.org/wiki/Software\\_license](http://en.wikipedia.org/wiki/Software_license)

[2] Free Software Foundation

<http://www.fsf.org/>

[3] Open Source Initiative

[http://en.wikipedia.org/wiki/Open\\_Source\\_Initiative](http://en.wikipedia.org/wiki/Open_Source_Initiative)

[4] Proprietary Software

[http://en.wikipedia.org/wiki/Proprietary\\_software](http://en.wikipedia.org/wiki/Proprietary_software)

[5] Ask Jeeves

[http://uk.ask.com/wiki/Software\\_license](http://uk.ask.com/wiki/Software_license)

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This Advice Sheet and other relevant information are available at:

[www.ncte.ie/ICTAdviceSupport/AdviceSheets/](http://www.ncte.ie/ICTAdviceSupport/AdviceSheets/)