WHY DATABASE PROJECTS CAN'T LEAVE LICENSES ALONE

PLAINTIFF(s) Josh Berkus Red Hat Inc.

VS

DEFENDANT(s) MySQL, Ingres, Firebird, Redis, MongoDB, et al. Case No.

State of the Source conference 2020

me

* PostgreSQL 1998-2016 *Greenplum 2006-2007 *MySQL 2008 *CitusDB 2011-2016 *OSI License-Review 2004-2020



dateline 2018 ...

Redis modules and the Commons Clause

By **Jake Edge** August 22, 2018 The "<u>Commons Clause</u>", which is a condition that can be added to an open-source license, has been around for a few

months, but its <u>adoption by Redis Labs</u> has some parts of the community in something of an uproar. At its core, using the clause is meant to ensure that those who are "selling" Redis modules (or simply selling access to them in the cloud) are prohibited from doing so—at least without a separate, presumably costly, license from <u>Redis Labs</u>. The clause effectively tries to implement a "no commercial use" restriction,

MongoDB switches up its open-source license

Frederic Lardinois @fredericl / 6:05 am PDT • October 16, 2018

MongoDB is a bit miffed that some cloud providers — especially in Asia — are taking its open-source code and offering a hosted commercial version of its database to their users without playing by the open-source rules. To combat this, **MongoDB** • today announced it has issued a new software license, the <u>Server Side Public License</u> (SSPL), that will apply to all new releases of its MongoDB Community Server, as well as all patch fixes for prior versions.

Previously, MongoDB used the **GNU** • AGPLv3 license, but it has now submitted the SSPL for approval from the Open Source Initiative.



License Changes for Confluent Platform





DECEMBER 14, 2018

We're changing the license for some of the components of Confluent Platform from Apache 2.0 to the Confluent Community License. This new license allows you to freely download, modify, and redistribute the code (very much like Apache 2.0 does), but it does not allow you to provide the software as a SaaS offering (e.g. KSQL-as-a-service).

Why We're Relicensing CockroachDB

Written by Peter Mattis, Ben Darnell and Spencer Kimball on June 4, 2019

CockroachDB was conceived of as open source software. In the years since it first appeared on GitHub, we've tread a relatively typical path in balancing open source with creating a viable business. We've kept our core code under the Apache License version 2 (APL), launched a managed service, and gated some features for established companies under an enterprise license.



PostgreSQL developer photo by Oleg Bartunov. Monty Widenus photo from Wikipeda, CC-by-SA3.0 database companies have never been able to resist messing around with licenses

or: databases: making bad licensing decisions since 2000



first, let's talk about <u>normal</u>



license stability is good

licenses are a social and financial as well as a legal convention

good license hygene

- 1. use a popular license
- 2. change it as little as possible
- 3. socialize each change well in advance
- 4. abort license changes if harmful











... not originally OSS

- * 1995-1999: "no commercial use" license
 - MySQL was <u>shareware</u>
 - allegedly had code from mSQL (also shareware)

2000: goes open source

* database engine: GPL 2.0 * database client: LGPL

... still shareware?

Dual-licensing As A Business Model

by Elena Blanco on 14 August 2006, last updated 9 September 2012

Put simply, dual-licensing describes a situation where the same piece of software can be obtained under two different software licences. Usually one of these licences is an OSI-approved open source licence and the other is a proprietary licence.

"Please note that the General Public License can be restrictive, so if it doesn't meet your needs, you are better served by our Commercial License"

2004: change license

* database engine: GPL 2.0 * database client: GPL 2.0

2005: sturm and drang

- * database engine: GPL 2.0
- * database client: GPL 2.0
- *add Enterprise Edition
- *add "FOSS exception"
- * community manager quits

- Optional GPL License Exception for PHP. As a special exception, MySQL AB gives permission to distribute derivative works that are formed with GPL-licensed MySQL software and with software licensed under version 3.0 of the PHP license. You must obey the GNU General Public License in all respects for all of the code used other than code licensed under version 3.0 of the PHP license.
- FOSS Exception. We have created a license exception which enables Free and Open Source software ("FOSS") to be able to include the GPLlicensed MySQL client libraries despite the fact that not all open source licenses are compatible with the GPL.Read more about the exception.



INGRES: early years

- *1974-1980: UC Berkeley
- *1980-1990: RTI/Ingres Corp.
- *1990-1994: ASK Inc.
- * 1994-2004: Computer Associates (CA)

2004: open source

- *Released under "CA-TOSL" license
- *Apache/Mozilla-ish but different
 - approved by OSI
 - Interfered with recruiting users, developers

2005: sold

* Back to Ingres Corp. – ... a different Ingres Corp.

2006: re-license

*under GPL 2.0

2006: re-license

*under GPL 2.0

Goodman on Bl

Thoughts on Open Source, Analytics

Ingres screws up their open source license, again!

I was quite optimistic when Ingres was <u>divested from CA</u>. Here was an opportunity for Ingres, a mature feature rich database, to make a real dent in the world. Instead, Ingres (the codebase) has made the same mistake **AGAIN** by choosing <u>a license</u> which will ensure it never becomes a "real" open source community, project or sustainable business model.

2010+: proprietary decline

*2010: last open source release

*2017: becomes Actian X, no more OSS



InterBase[®]

Cross-platform embedded database





CAT Joy License Issued To	Issued By	License No: 9999 License Fees
DOE, JOHN 15 FLANDERS MEMORIAL ROAD Weare, NH 03281	ADMIN TOWN OF WEARE 15 FLANDERS MEMORIAL RD WEARE, NH 03281 603- 529-7575	License Charges\$10.00Late FeesViolations\$0.00Other\$0.00Total Charges\$10.00
	Details	
Issued 5/10/2012 Expires 4/30/2013 Receipt No 115717 Name SAMPSON	Breed LAB RET MIX Altered Yes Color YEL Vet Name	Gender F Rabies No 123456 Rabies Expires 10/31/2015

2000: open source release

- *Interbase released as "Firebird" DB
- *2 licenses:
 - IPL: hacked version of MPL
 - IDPL: hacked version of MPL
- *Neither approved by OSI

2000: open source release

- *Interbase released as "Firebird" DB
- *2 licenses:
 - IPL: hacked version of MPLIDPL: hacked version of MPL
- *Neither approved by OSI





2009: released

*under AGPLv3 license

* controversial

- AGPL "network" provisions
- AGPL + CLA = non-commercial?

2017: IPO

* highly \$\$\$uccessful * \$13B cap → pressure to grow revenue



MongoDB switches up its open-source license

Frederic Lardinois @fredericl / 6:05 am PDT • October 16, 2018



MongoDB is a bit miffed that some cloud providers — especially in Asia — are taking its open-source code and offering a hosted commercial version of its database to their users without playing by the open-source rules. To combat this, **MongoDB** • today announced it has issued a new software license, the <u>Server Side Public License</u> (SSPL), that will apply to all new releases of its MongoDB Community Server, as well as all patch fixes for prior versions.

Previously, MongoDB used the **GNU** AGPLv3 license, but it has now submitted the SSPL for approval from the Open Source Initiative.

2018: SSPL

- *New license
- *MongoDB released under SSPL
- *Huge extension to Copyleft
 - Months of debate on License-Review

2019: withdrawn

withdraws SSPL from OSI consideration, but ...

MongoDB still being released under the SSPL



2009: released!

*Under BSD(3) license

- *created by Salvatore, working for VMware
 - not commercialized

2015: Redis Labs

- *new startup hires Salvatore
- * "enterprise" features
 - some Apache
 - some AGPLv3

"Commons Clause" License Condition v1.0

The Software is provided to you by the Licensor under the License, as defined below, subject to the following condition.

Without limiting other conditions in the License, the grant of rights under the License will not include, and the License does not grant to you, the right to Sell the Software.

2018: commons clause * rider on Apache license * strict non-commercial restriction

2018: commons clause * rider on Apache license * strict non-commercial restriction

SHAREWARE!



Redis' License is BSD and will remain BSD



by Yiftach Shoolman Co-Founder & CTO

← Back to Blogs

Since the recent licensing change for our Redis modules, there's been a lot of confusion and misinformation circulating about the implications of those changes. We want to address your questions and be crystal clear: the license for open source Redis was never changed. It is BSD and will always remain BSD.

Redis Labs drops Commons Clause for a new license

Redis Labs has given up adding Commons Clause on top of the Apache license in favor of a new available-source code license: Redis Source Available License.





By Steven J. Vaughan-Nichols for Linux and Open Source | February 21, 2019 --19:52 GMT (11:52 PST) | Topic: Cloud MORE FROM STEVEN J. VAUGHAN-NICHOLS

Security Nextcloud incorporates





ORACLE®

1.

ORACLE

ORACLE LICENSE AND SERVICES AGREEMENT v053012

A. Agreement Definitions

"You" and "your" refers to the individual or entity that has executed this agreement ("agreement") and ordered programs and/or services from Oracle America, Inc. ("Oracle") or an authorized distributor. The term "ancillary programs" refers to third party materials specified in the program documentation which may only be used for the purposes of installing or operating the programs with which the ancillary programs are delivered. The term "program documentation" refers to the program user manual and program installation manuals. The term "programs" refers to the software products owned or distributed by Oracle which you have ordered, program documentation, and any program updates acquired through technical support. The term "services" refers to technical support, education, hosted/outsourcing services, consulting or other services which you have ordered.

2.

DB	Years to Exit
Hortonworks	2
Cloudera	9
MongoDB	10
Greenplum	5
Citus	8
EnterpriseDB	16
Membase/Couchbase	11
Elastic	10



SQL

3. SQL

- *international standard
- * <u>commodifies</u> databases
- * "NoSQL" DBs pressured to commodify
 - GQL
 - GraphQL

commodification = no "stickiness"

next license kerfuffle ...

{* SOFTWARE *}

Bruce Perens quits Open Source Initiative amid row over new datasharing crypto license: 'We've gone the wrong way with licensing'

Distributed app platform's proposed agreement 'isn't freedom respecting,' he says



... it's just databases doing what they do

contact & licensing

@fuzzychef
jberkus.github.io
josh@berkus.org



This overall presentation is copyright 2020 Josh Berkus, licensed CC Share-Alike 4.0

Text of clipped articles and licenses are copyright their original authors, under various terms.