

Jefferson Lab Open Source Policy: A Preview

Tuesday, May 8, 2018



U.S. DEPARTMENT OF
ENERGY

Office of
Science



Current state of policy/procedure

- Currently in working draft “status”
- Goal: to come up with a policy that allows authors to license their software when needed
- Jefferson Lab policy will cover staff and research funded through the Lab
 - Collaborators should work with home institutions and funding organizations for their policies as well

When to license

- (per Lab legal dept) Code has a default license/copyright
- In most cases, license not needed
- Policy is to license when Jefferson Lab or DOE has an interest in formal documentation
 - Limit liability
 - Enable compatible licenses for work with industry partners
 - Formal deliverables
 - Software with substantial potential commercial value
- In many cases, collaboration agreements should handle some of the things that licensing might cover
 - Rules of behavior, attribution, etc.
- Citations, DOI's also useful to accomplish these goals

Procedure

- OSS should be registered using an online form, specifying at a minimum
 - Name and short description of the software
 - Funding source
 - Location (e.g., GitHub repository)
 - Description of license
- Approvals
 - Software owner with comments assessing potential intellectual property/commercial value
 - If potential value, route to CTO
 - CIO
 - Legal Counsel
- Lab STI Manager responsible for submission to DOE/OSTI
- Lab will provide public listing of all OSS software

Draft license: most cases will use a version of the MIT license

- 5 important attributes
 - Copyright claim
 - Permission to licensee to modify and redistribute
 - Disclaimer of liability
 - Acknowledgment (attribution) requirement for redistributions
 - Non-endorsement (of downstream development/usage)
- Additional language to cover special cases
 - Restrict development of software
 - Limitations based on expectation of downstream use of software
 - Retention of rights for possible commercial value

Basic Jefferson Lab License Text

Jefferson Science Associates LLC Copyright Notice:

Copyright 251 2014 Jefferson Science Associates LLC All Rights Reserved. Redistribution and use in source and binary forms, with or without modification, are permitted as a licensed user provided that the following conditions are met:

1. Redistributions of source code must retain the above copyright notice, this list of conditions and the following disclaimer.
2. Redistributions in binary form must reproduce the above copyright notice, this list of conditions and the following disclaimer in the documentation and/or other materials provided with the distribution.
3. The name of the author may not be used to endorse or promote products derived from this software without specific prior written permission.

This material resulted from work developed under a United States Government Contract. The Government retains a paid-up, nonexclusive, irrevocable worldwide license in such copyrighted data to reproduce, distribute copies to the public, prepare derivative works, perform publicly and display publicly and to permit others to do so.

THIS SOFTWARE IS PROVIDED BY JEFFERSON SCIENCE ASSOCIATES LLC "AS IS" AND ANY EXPRESS OR IMPLIED WARRANTIES, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ARE DISCLAIMED. IN NO EVENT SHALL JEFFERSON SCIENCE ASSOCIATES, LLC OR THE U.S. GOVERNMENT BE LIABLE TO LICENSEE OR ANY THIRD PARTES FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES (INCLUDING, BUT NOT LIMITED TO, PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES; LOSS OF USE, DATA, OR PROFITS; OR BUSINESS INTERRUPTION) HOWEVER CAUSED AND ON ANY THEORY OF LIABILITY, WHETHER IN CONTRACT, STRICT LIABILITY, OR TORT (INCLUDING NEGLIGENCE OR OTHERWISE) ARISING IN ANY WAY OUT OF THE USE OF THIS SOFTWARE, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGE.

Restricting development of the software

Text to be added to the above basic license:

4. This software is licensed under the terms of the Creative Commons Attribution ShareAlike (CC-BY-SA) license. If there is any conflict between CC-BY-SA and the statements herein, then the conflicting CC-BY-SA statements are overridden by the statements in this license.

LGPL option: strong downstream restriction

Text to be added to the above basic license:

4. This software is licensed under the terms of the Lesser GNU Public License (LGPL). If there is any conflict between LGPL and the statements herein, then the conflicting LGPL statements are overridden by the statements in this license.

Retaining possibility of commercial rights:

Text to be added to the above basic license:

4. This software is licensed only for non-commercial only, and under a Creative Commons Attribution NonCommercial (CC-BY-NC) license. If there is any conflict between CC-BY-NC and the statements herein, then the conflicting CC-BY-NC statements are overridden by the statements in this license.

Roles / Responsibilities

- Software owners and authors will identify software that should be formally documented through this policy, and are responsible for ensuring that the license for their OSS is appropriate.
- Sponsors/supervisors are responsible to help perform preliminary assessments as to whether software has potential commercial value.
- The Lab CTO and Technology Transfer Committee will review software license requests to review intellectual property/patent opportunities.
- The Lab CIO will maintain this policy and is responsible for the overall software environment at the Laboratory, and will ensure that requests to formally document OSS software are appropriate.
- The Lab Legal Counsel will review formal OSS software documentation to ensure that legal compliance requirements are met, that the licensing described is appropriate, and as a final review for intellectual property/patent opportunities.