

ActiveState[®]

OPEN SOURCE LICENSE INDEMNIFICATION

Protect your Business Against Lawsuits



Still Trying to Manage your Open Source Licenses? Stop Putting your Business at Risk.

ActiveState Offerings:

- Override individual open source licenses, providing the indemnification you need to protect your IP
- Ensure compliance with open source support requirements
- Guarantee a full review all 3rd party licenses with an assurance of no GPL
- Save developers and legal counsel the time and effort it takes to decipher hundreds of separate licenses
- Eliminate audit fees for license reviews
- Eradicate any risk of a damaged reputation due to embarrassing lawsuits

If your business is employing software development best practices, it's almost a certainty that you're lowering costs and speeding time to market by using open source software (OSS). These same best practices also mean you're likely tracking the licenses associated with your open source packages, frameworks and libraries in order to ensure your applications are in compliance with their OSS license obligations.

So what could go wrong? If history is any indication, it turns out quite a lot. Despite following best practices, there have been a number of high profile open source lawsuits against enterprises over the years, including:

- Oracle vs. Google over fair use of Java's core library APIs in Android.
- Hellwig vs. VMware over GPL compliance violations associated with VMware's inclusion of Linux code in their ESXi product.
- Welte vs. multiple GPL violators, including Dlink, Skype and Gigabyte.

Open Source License Risks are Increasing

Far more worrying for businesses are two 2017 cases that are set to expand the legal rights of open source developers:

- McHardy vs. Smart TV vendor Geniatech may extend the legal definition of a Linux contributor from individual contributor to co-author, potentially increasing the expected settlement penalty for any infringement.
- Artifex vs. Korean developer Hancom in which a US district court may set the precedent that OSS licenses can be treated like legal contracts, and developers can legitimately sue when those contracts are breached.

With over 25 million repositories on GitHub; more than 400,000 projects on SourceForge, and hundreds of thousands of packages, modules and gems in open source language repositories like PyPI, CPAN, Rubygems.org, etc. it's no wonder that **as much as 95% of code bases incorporate undisclosed open source code.**¹ Worse, most enterprises do not have a mitigation plan in place to deal with license violations other than expensive, time-consuming, manual audits, or "hoping for the best." Unfortunately, hope is not a plan.

Too often, busy developers put their companies at risk by ignoring or clicking through license agreements. Sometimes these are caught during audit, but licenses for one or more of the dependent modules are missed. At other times, the audit fails to identify that some OSS licenses are incompatible, and cannot be deployed within the same code base. The result can be expensive lawsuits and damaged reputations — lessons that many enterprises have learned the hard way.

ActiveState – A Trusted Name in Open Source for 20 Years

The need for risk mitigation when it comes to open source litigation has created market demand for commercially-backed open source that offers not only stable, comprehensive OSS distributions and SLA-backed support & maintenance, but also indemnification against copyright and breach of contract lawsuits. This is how ActiveState can help.

For the past 20 years ActiveState has been providing enterprise-level, 100% open source-compatible distributions. Our language distributions are renowned for quality and are now the de-facto standards for millions of developers around the world. Like all open source code, ActiveState open source language distributions are provided free to the community.

Protect your IP with Indemnification

ActiveState Enterprise distributions give you indemnification against IP infringement lawsuits that protect your company from legal exposure. Your company is no longer responsible for licensing all the individual open source components of a language distribution. ActiveState Enterprise distributions and agreements override the open source licenses and offer the warranties, guarantees and indemnification large enterprises need, so you can deploy your code worry-free.

If you distribute applications and code externally to customers or partners, adding an ActiveState OEM license on top of the Enterprise license provides not only indemnification, but also royalty-free distribution rights. Out-of-the-box licensing saves you time, resources and the headaches that accompany managing license compliance on your own.

Stop managing your open source programming language licenses and start letting ActiveState's Enterprise and OEM licensing solutions limit your exposure. Contact us today to get licensing peace of mind and guarantee your IP safety.

¹<https://www.blackducksoftware.com/open-source-vulnerability-management>

website: www.activestate.com
email: solutions@activestate.com

ActiveState[®]
THE OPEN SOURCE LANGUAGES COMPANY

Phone: +1.778.786.1100
Toll-free in NA:
1.866.631.4581