

# INDEMNIFICATION

PROTECT YOUR BUSINESS AGAINST LAWSUITS



## ACTIVESTATE OFFERINGS

Protect your IP with the right indemnification

Ensure compliance with open source requirements

Guarantee a full review of all 3rd party licenses

Obtain assurance of no GPL

Save time & effort of deciphering licenses

Eliminate audit fees for license reviews

Protect your brand & reputation

Avoid risk of lawsuits

Leverage ActiveState's expertise, 20+ years build engineering open source languages

## Stop Putting Your Business at Risk

### OPEN SOURCE LAWSUITS

Open source software (OSS) has become commonplace in the enterprise. Best practices to manage OSS licenses include the tracking of licenses associated with packages, frameworks and libraries. However, even companies following best practices have been challenged with lawsuits. High profile open source lawsuits include:

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.

You may be following best practices, and ensuring your applications are in compliance with OSS license obligations. But that's not enough against the threat of a lawsuit.

### OPEN SOURCE LICENSE RISKS ARE INCREASING

The threat of OSS lawsuits is increasing. Two 2017 cases should be very worrying for businesses, as these two cases are set to expand the legal rights of open source developers:

1. 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.
2. 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.

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## HOPE IS NOT A PLAN

Most enterprises do not have a mitigation plan in place to deal with license violations. Companies usually incur expensive, time-consuming, manual audits OR “hope for the best.” Unfortunately, hope is not a plan.

## ARE YOUR DEVELOPERS PUTTING YOU AT RISK?

Busy developers often put their companies at risk by ignoring or clicking through license agreements. Sometimes these oversights are caught during an 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.



UP to **95%** of code bases have undisclosed open source code from multiple sources

- 25+ million repositories on GitHub
- 400,000+ projects on SourceForge
- 100,000+ of packages, modules & gems in language repositories like PyPI, CPAN, Rubygems.org, etc.

## ACTIVESTATE – A TRUSTED NAME IN OPEN SOURCE FOR 20 YEARS

ActiveState can help mitigate the risk of open source litigation. Companies can obtain indemnification against copyright and breach of contract lawsuits. Companies also benefit from commercially-backed open source that offers stable, comprehensive OSS distributions and SLA-backed support & maintenance.

## PROTECT YOUR IP WITH INDEMNIFICATION

Stop managing your open source programming language licenses and start letting ActiveState’s Enterprise and OEM licensing solutions limit your exposure.

The ActiveState Enterprise license gives you indemnification against IP infringement lawsuits that protects 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 licenses 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.

Contact us today to get licensing peace of mind and guarantee your IP safety.

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