Arnoud Engelfriet
arnoud@engelfriet.net

Use Case:

Commercieel gaan met je open source project, hoe doe je dat?

Michael Boelen
michael@cisofy.com

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Michael Boelen

- Security
- Open source
  - Rootkit Hunter (malware)
  - Lynis (security)
- Blog: linux-audit.com

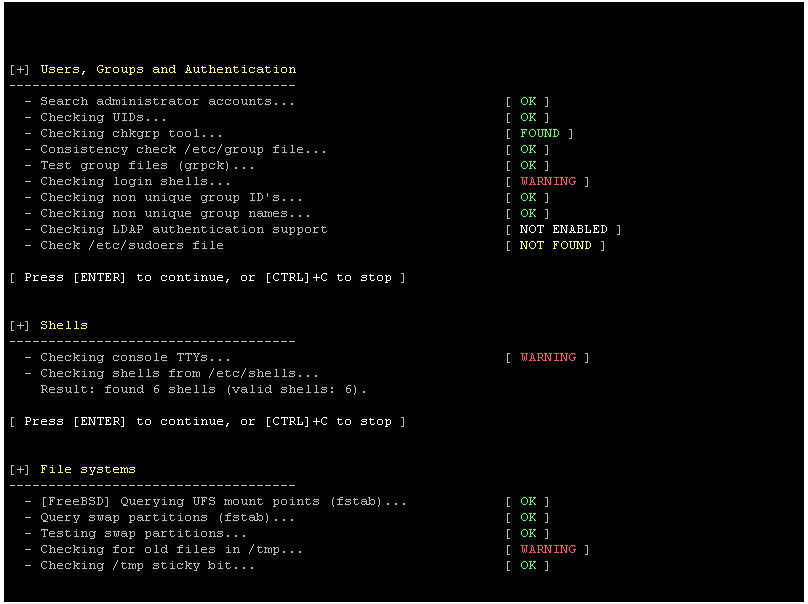
Arnoud Engelfriet

- IT lawyer
- Open source specialist
- blog.iusmentis.com

Use Case: Lynis

Lynis

- 2007
- Security scanner
- Linux / Unix



The Idea: Lynis++

Start

- 2013
- Community
- Business

Build a Business

Easy!

- CoC/VAT
- Website
- Get customers

Belastingdienst

Build a Business

Reality...

- Customers
- Time
- Responsibilities

Customer Segments

Small companies:

- Detection
- Guidance
- Good feeling

Customer Segments

Big companies:

- Reporting
- Save time
- Compliance

Bonus Challenge: Community

- Usage
- Nessus / Tripwire
- Features

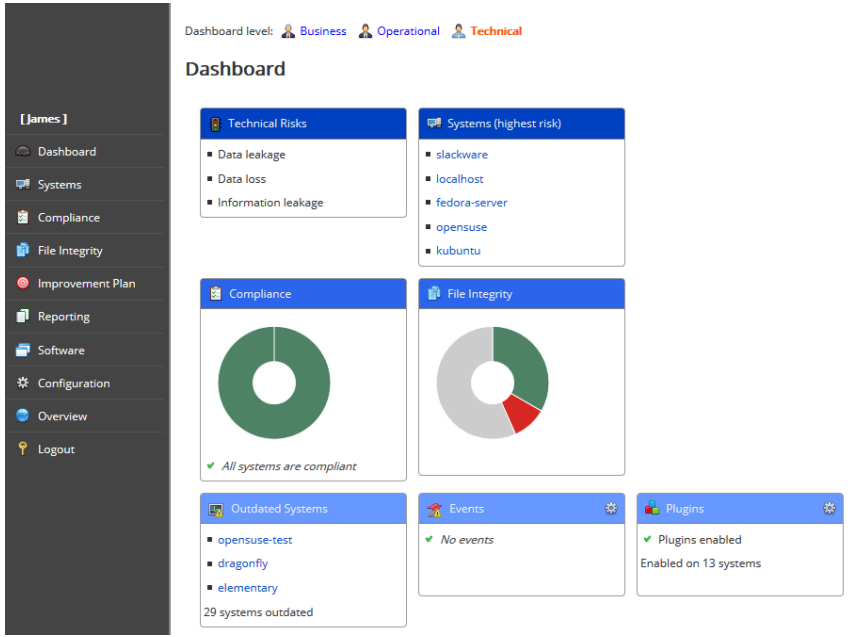
Solution

Community	Customers
Lynis	Lynis
	Central management
(data export)	Reporting / Compliance
(some plugins)	Additional plugins
(basic help)	Hardening snippets
(best effort support)	Support

Lynis Enterprise

- Happy community
- Business value

1 + 1 = 3!



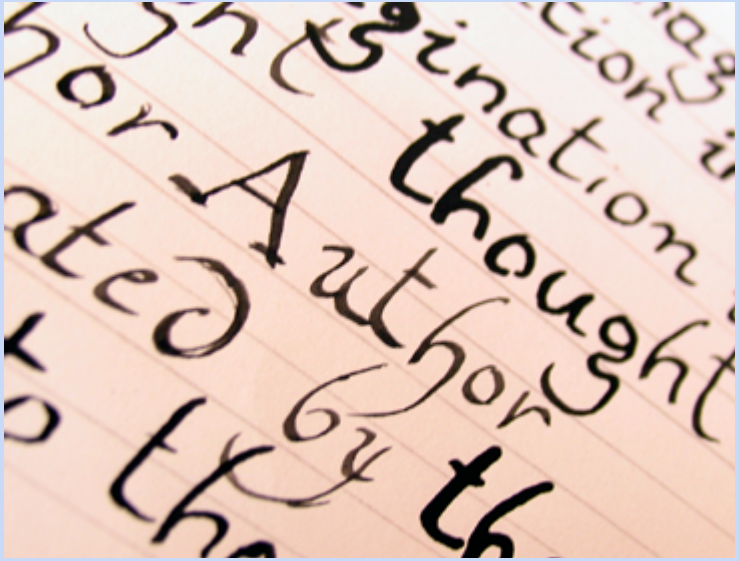
Examples

Example

Ownership

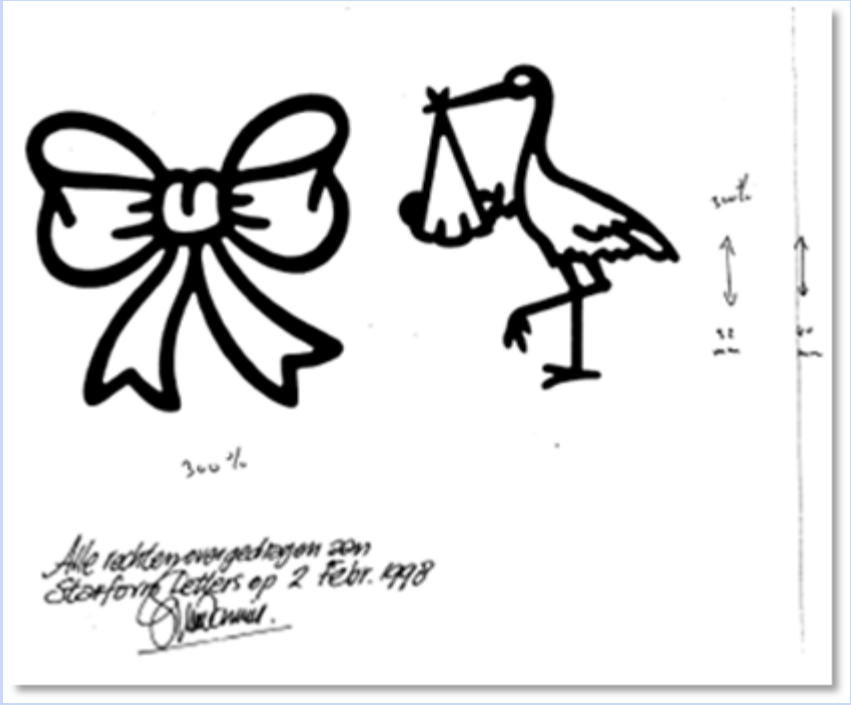
- My name or company?
- Contributors?

Copyright Owner



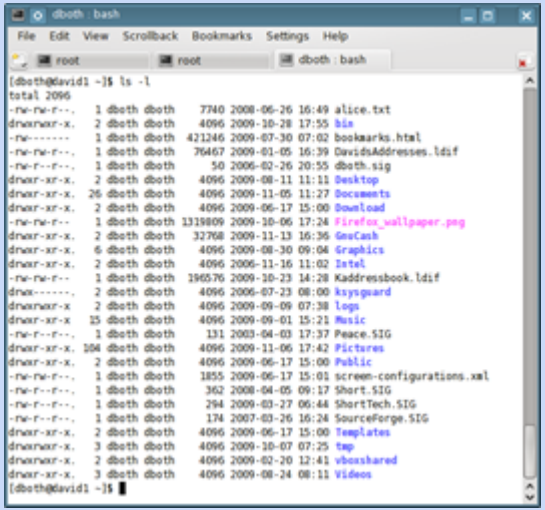
- Actual creator
- Employer
- Freelancer
- Assignment only by written and signed instrument

Copyright Assignment



Alle rechten overgedragen zoals Stanford Letters op 2 febr. 1998

```
$ cat hash.md5
595f44fec1e92a71d3e9e77456ba80d1  filetohashA.txt
71f920fa275127a7b60fa4d4d41432a3  filetohashB.txt
43c191bf6d6c3f263a8cd0efd4a058ab  filetohashC.txt
```



Rb. Den Haag 27 juni 2007, IEF 4262

Assignment or Contributor License?

Assignment:

- All in one hand
- Easy to relicense
- Requires trust from contributors
- Requires managing paper with signatures

Contributor license:

- Contributor retains ownership
- No relicensing without permission
- Easier to contribute

Example

Liability

- Snippet
- Bad advice
- Internationally

Liability

- OSS license protects you
- Negotiate limitation in commercial license
- Consider liability insurance
- Use GTC for professional advice

Example

EULA / license

- Lynis: GPL
- Enterprise: SaaS solution
- Enterprise: On-premise version

Example

Service providers

- White label
- Dual licensing?

Proprietary License

- **EULA:** Standard license for end users, support maybe/maybe not included
- **TOS:** Standard license for SaaS
- **Enterprise license**: large corporations, includes support & service levels

➔ Why is paid license more attractive?

Proprietary License

- License scope: per user, per company?
- Payment structure
- Audit rights
- Limitation of liability
- Indemnification
- Term & termination

OSS License Choices

Open source can be used commercially!

Goal:

Make closed version more attractive for businesses than open version

OSS License Choices

- GPLv3: the Big Bad, full copyleft
- AGPLv3: the SaaS Big Bad
- LGPL/Mozilla: limited copyleft
- BSD: no copyleft, free reuse

Example

NDA signing

- Financial company in US
- Sign their NDA
- No NDA = No Business

NDA Signing

- Single- or double-sided?
- Definition of Authorized Purpose
- Definition of Confidential Information
- Ownership of IP
- Obligation to negotiate?

Always review!

Example

Partnerships

- Company in different country
- Wants to be a partner
- How to define contracts?

Partner Agreement

Affiliate

- Brings in leads for a fee
- You own the customer
- How to handle lead quality?

Reseller

- Sells licenses, pays a fee/percentage
- Who handles support?
- What if customer does not pay to reseller?

Example

Investors

- What to share?
- What if they offer €10M?

Investors

- Signing NDA or not?
- Due diligence
- Letter of intent

(this is where you really need a lawyer)

Questions?

More Information

Arnoud Engelfriet

blog.iusmentis.com

arnoud@engelfriet.net

@ictrecht

Michael Boelen

linux-audit.com

michael@cisofy.com

@mboelen