

In today's technological world, products are using software more than ever. Many of these products include new technologies and advancements that implement open source software (OSS) to operate their systems and functionality. OSS can be found in consumer electronics, medical devices, automobile technology, cell phone applications and computer software.

At Brooks Kushman, we help our clients identify what OSS is in their products, understand what license terms govern the use and distribution of that software, and help formulate a strategy to comply with open source license terms. Brooks Kushman will provide you and your organization with practical guidance in the following areas:

- Auditing your software to identify the open source components
- Understanding your legal obligations in open source licenses
- How to develop and distribute products to comply with the licenses and eliminate exposure
- Managing open source in the purchasing and sales functions

Open source software is appealing to software developers because of its ease of accessibility, cost savings, and improvement to product development timing. While OSS is free of charge, it is not free of legal implications. Legal risks associated with the use of OSS could include liability for copyright infringement if license terms are not complied with, and undesired waiver of your company's intellectual property rights in the resulting product. It is critical to understand, thoughtfully select, and correctly implement OSS before your products are introduced in the market or supply chain.

OSS LICENSE TERMS

There are hundreds of OSS licenses in circulation. The licenses typically include terms concerning distribution of source code and object code, display of copyright notice, OSS incompatibility, modification to OSS, and in some cases waiver of intellectual property rights in the resulting code set.

We group OSS licenses into three main categories depending on their terms:



"Green" licenses that most companies are capable of complying with



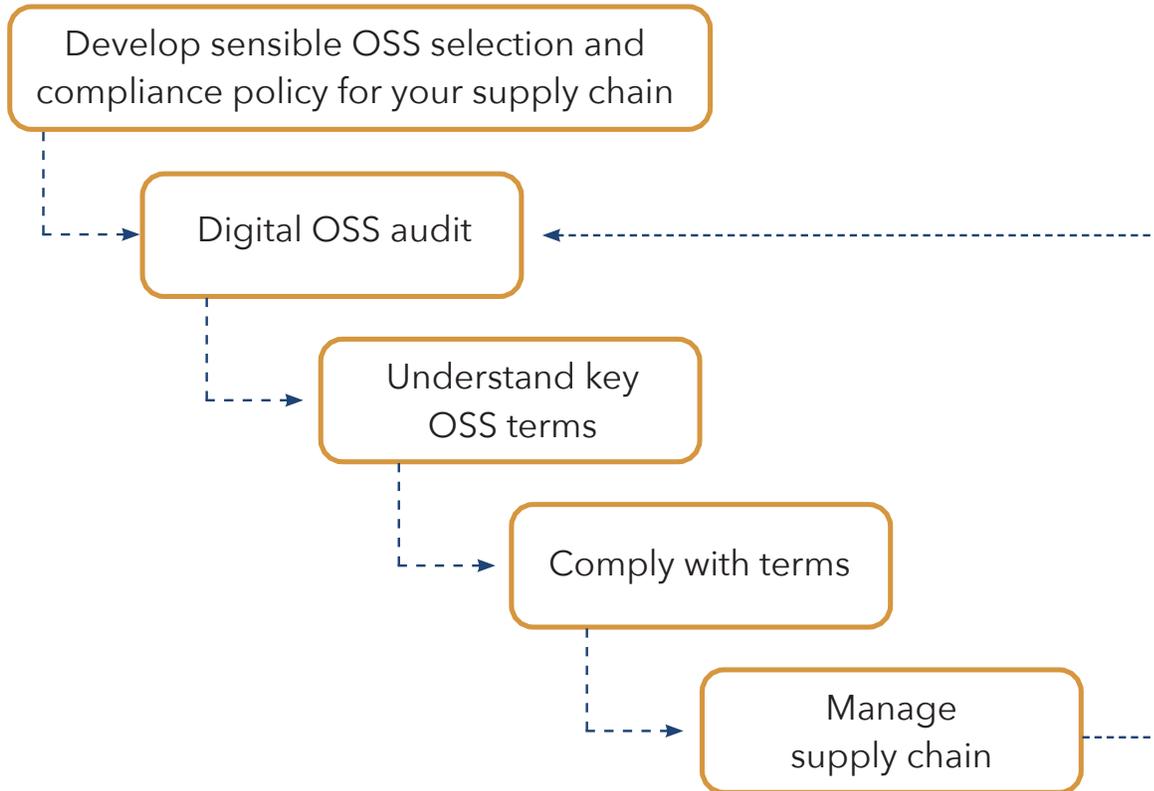
"Yellow" licenses that will require further discussion depending on details of particular software, and implementation



"Red" licenses that most companies are not willing to, or are incapable of, complying with. Understanding which OSS terms apply to your product is critical to OSS compliance and risk management.

ROADMAP TO COMPLIANCE

An OSS compliant company with a robust compliance process may have an advantage over its competitors from a customer's point of view. A proper compliance process may insulate you and your customers from liability for violation of OSS license terms.



OUR TEAM PHILOSOPHY

At Brooks Kushman, we pride ourselves on staffing client teams with efficient and effective teams that meet the needs of our clients. The firm's open source practice is no exception, and it is led by a robust team of attorneys and agents with extensive experience in the field. Our knowledge within the industry expands well beyond the technology itself, and we work to understand our clients supply chain.

We are also a proud partner of Rogue Wave Software® and utilize their OpenLogic® proprietary open source scanning engine to analyze our clients' software. Brooks Kushman's legal expertise combined with Rogue Wave Software® auditing services allows us to provide efficient and reliable compliance strategies.

