OUR OPEN SOURCE PRACTICE

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 to operate their systems and functionality, which may be found in consumer electronics, medical devices, automobile technology, cell phone applications and computer software.

At Brooks Kushman, we help our clients identify what open source software (OSS) is in their products, understand what license terms govern the use and distribution of that software, and help formulate a strategy to complying with open source license terms. Brooks Kusman provides clients with practical guidance in the following areas:

- Auditing your software to identify the open source components
- Understanding your legal obligations in the 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 being a valuable resource, improper selection and compliance could be problematic for an organization and its customers, including:

- Possible exposure for copyright infringement
- Possible loss of properietary IP rights to competitors and others
- Possible violation of customers OSS usage terms and conditions
- Possible customer indemnification claims

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.

OUR SERVICES

Brooks Kushman provides the full-range of services associated with the adoption, use, and distribution of Open Source Software (OSS).

OSS adoption and usage training for your organization's legal department and software development leads.

Drafting internal OSS usage policies.

Drafting supplier and customer OSS usage policies.

Performing digital forensic OSS audits of current and future software products including an audit of security vulnerabilities.

Ensuring compliance with OSS terms and conditions.

Handling contributions back to the OSS community.

OUR TEAM PHILOSOPHY

At Brooks Kushman, we pride ourselves on staffing client teams with efficient and effective teams that meet the needs our clients expect. The firm's open source practice is no exception, and 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 client's software. Brooks Kushman's legal expertise combined with Rogue Wave Software auditing services allows us to provide efficient and reliable compliance strategies.

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