GPLv3 and MontaVista Linux
MontaVista Software, Inc.

Version 3 of the GNU General Public License ("GPLv3") was officially released on June 29, 2007. This document addresses the intersection between GPLv3 and MontaVista® Linux®.

Before analyzing GPLv3 itself, it is important to put it into perspective, by distinguishing between laws, licenses and commercial agreements. Copyright law determines who owns the code. The copyright holder can control the rights of others to copy, distribute, and make derivative works of the code. A license agreement (the GPL is one of many examples) is the instrument that the copyright holder uses to grant (or restrict) rights in the code he owns. The license agreement does not, however, change who owns the code. And neither the law nor a license inherently translates into money. Revenue, instead, comes from a commercial agreement, which sets out negotiable business terms. Commercial agreements around open source software are common and can involve the provision of warranties and indemnities, as well as terms for technical support, code improvements and integration, access to bug fixes, engineering professional services, tools and even integration with proprietary and/or third party software applications. A commercial agreement may not always exist; the law and the license almost always exist.

Linux itself is governed by hundreds of licenses. The most widely discussed of those licenses is the GPL, which governs the Linux kernel. Since 1991, the "current" version has been GPLv2. Even with the official release of GPLv3 in June 2007, the Linux kernel – and the majority of Linux projects and Linux code – remain licensed under GPLv2.

Most of the changes in version 3 of the license are noncontroversial, and even welcomed by the open source community (e.g., confirmation that outsourcing development does not automatically trigger the obligations associated with distribution; and more user-friendly termination provisions). Other new language (related to patents, "user products" and digital rights management) has generated more discussion.

It is important to understand, however, that in the current open source world, most software distributors may never have to worry about the license's terms. Most Linux copyright holders are not affiliated with the authors of GPLv3. The Linux kernel has not rolled to version 3, and it is unlikely to ever do so. No one using GPLv2 code can be forced to roll that same unmodified code to version 3. Developers using but not distributing GPLv3 code need not worry about the license's reach. Thus being "stuck" with version 3's terms will likely be rare. It normally will be a conscious choice to adopt the license, or to create a derivative work of an existing GPLv3-licensed program.

MontaVista, the world's leader in embedded Linux products and tools, expects to continue relying primarily on GPLv2 for the foreseeable future of its embedded software Linux distributions. In MontaVista's 5.0 product releases, there is a minimal inclusion of code licensed under GPLv3, but it is confined to components of the development toolchain. In particular, the GPLv3-licensed code includes patches/updates to gcc, gdb and binutils. It is also anticipated that a small percentage of included userland (non-kernel) programs may in the future roll to GPLv3 (though none have done so yet in MontaVista Linux).

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MontaVista cannot provide legal advice to its customers, and we encourage our customers to seek independent counsel. As a whole, however, we believe it reasonable to conclude that neither the inclusion of userland packages licensed under GPLv3, nor the use in the development process of tools licensed under GPLv3, inherently lead to any concerns of a "viral" impact, or inherently create any derivative works which would require other programs to also be licensed under GPLv3. Additionally, MontaVista's professional services team is a leader both in understanding the design parameters relating to the interface of open source and proprietary code, and in creating for our customers product solutions that can continue to meet economic and engineering goals in the world of GPLv3.

As part of MontaVista's leadership in the open source community, we continue to participate in community development efforts for code licensed under various licenses, including GPLv3. For the products we release to our customers, however, we remain sensitive to our customers' concerns. As such, we track the licenses in our products, and we carefully monitor any possible inclusion and impact of any code licensed under GPLv3.

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