

# The Rise of Copyright Trolls

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# What are Copyright Trolls?

- Copyright Trolls are a relatively new concept
- They are similar to Patent Trolls
- They sue over copyright for profit or non-community related goals

# An Potential Example

- Patrick McHardy is regarded by some as a Copyright Troll
- He has been approaching companies over open source code
- His motives appear to be unrelated to community benefit

# How Do We Know?

- The community said so:  
*“The netfilter project regrets to have to suspend its core team member Patrick McHardy from the core team. This is a grave step, definitely the first in the projects history, and it is not one we take lightly.”*

2016-07-18 20:43:55

<https://marc.info/?l=netfilter-devel&m=146887464512702>

# The Wrong Questions

- Is Patrick McHardy evil?
- Should all license enforcement be stopped?
- Are Copyright Trolls “fake news” from people selling services?
- Is this part of a plan to undermine individual developers?

# Take a Step Back

- The issue is that litigation unrelated to community benefit appears to be taking place
- This undermines community cohesion and cooperation
- That undermines individual and corporate benefit

# Take Another Step Back

- Patrick McHardy is a potential Copyright Troll
- His activities are disruptive but not fatal
- But the example he sets is worrying
- The real problem will be if speculative trolling occurs at scale

# Unnerving Facts

- Patrick McHardy's approach has resulted in fiscal returns
- Developers are being approached by law firms asking if they want representation



# Unnerving Potential Consequences

- Frustration with perceived individual/corporate divides could accidentally lead to enabling hostile speculative parties into open source

# Addressing This

- We cannot allow Copyright Trolling to be regarded as acceptable
- We cannot allow enforcement to be equated with trolling
- We need to establish clear norms of community behavior and enforcement expectations

# Under Construction

- There are steps in this direction
- Examples include:
  - The Software Freedom Law Center Guide to GPL Compliance section covering ‘Handling Compliance Inquiries’  
<https://goo.gl/wbMZri>
  - Software Freedom Conservancy’s Principles of Community-Oriented GPL Enforcement  
<https://goo.gl/WTv8Ht>

# The Future

- We need to decide on what norms are OUR norms
- We need to adopt and actively promote these norms
- We need to ensure hostile actors are clearly unwelcome

# Back To Basics

- For companies this means:
  1. Understanding legal requirements
  2. Understanding community norms
  3. Having processes and tooling to address both

# Processes, Tooling and Support

- OpenChain (trust between entities in the supply chain)  
[www.openchainproject.org](http://www.openchainproject.org)
- SDPX (trust for software packages)  
[www.spdx.org](http://www.spdx.org)
- FOSSology (free scanning technology)  
[www.fossology.org](http://www.fossology.org)



OPENCHAIN



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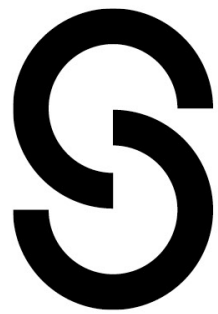
<https://goo.gl/0xL5PP>

Just go here:

[www.openchainproject.org](http://www.openchainproject.org)

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