



Eclipse Public License v2.0

Overview & Discussion

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History of the EPLv1



- Based on the Common Public License v1.0
 - IBM was the author/steward
 - ~2001
- Eclipse Public License v1.0
 - OSI approved ~November 2003
 - Part of the discussions that led to the creation of the Eclipse Foundation in January 2004
 - Only changes from CPL:
 - Scope of patent termination
 - Eclipse Foundation is the license steward



Goals for EPLv2

- Files vs “module”
- Choice of law
 - Necessitates defining derivative work
- Modernization
 - Use in scripting languages (source = executable)
 - Necessitates defining source and executable code
 - Source code availability
 - Subclassing now explicitly excluded (community norm)
 - Notices
- GPL compatibility
 - Modeled after approach used in MPL 2.0
- Miscellaneous cleanup



What did *not* change

- Copyright license
- Patent license
- Patent termination
- Commercial Distribution

Who has been working on this?



- Eclipse Foundation IP Advisory Committee
 - Mike Milinkovich - Exec. Director, Eclipse Foundation
 - Jeffrey Neuburger - Proskauer, Eclipse Foundation Counsel
 - Terry Carroll, IBM Counsel
 - Richard Fontana, Red Hat Counsel
 - Max Andersen, Red Hat, Director - Eclipse Foundation
 - Ed Merks, Director - Eclipse Foundation
 - Donald Smith - Oracle, Director - Eclipse Foundation



File vs. Module

- “File” has clearly won as the term of art
 - Clearer, widely understood
 - Ties to the DCO, which the Eclipse Foundation has started using
- A one word change in the definition of Contribution

Choice of Law



- Removed references to New York State
- Included a definition for “Modified Works”
 - Definition explicitly excludes subclassing

Scripting Languages



- Still a work-in-progress
- Added definitions of Source Code and Executable Code
- Added terms to Section 3 to handle the case where Source = Executable

Source Code Availability



- Removed the requirement that the Source Code for a Program must be made available by the Contributor (a.k.a. the distributor)
 - Happy to have people point to the origin, rather than copying and hosting



Notices

- Added “...patent, trademark, or attribution...” to the list of notices which cannot be removed or altered
- Removed “Each Contributor must identify itself as the originator of its Contribution, if any, in a manner that reasonably allows subsequent Recipients to identify the originator of the Contribution.”
 - We will make this a matter of community policy, rather than a license obligation

GPL Compatibility



Motivation:

- Eclipse Foundation has projects which are dual-licensed EPLv1+BSD to allow for use with GPL-licensed projects
- This loses the copyleft, as consumers will often elect to select the permissive license
- Would like to allow for GPL compatibility while maintaining EPL copyleft.

GPL Compatibility



- Use the “Secondary Licenses” approach of the MPL 2.0
 - EPLv2 is *not* compatible by default. Notice has to be added to make a Program GPL compatible
 - The initial Contributor decides if the Program can be made available under GPL

Miscellaneous



- **Removed**
 - “No party to this Agreement will bring a legal action under this Agreement more than one year after the cause of action arose. “
 - “Each party waives its rights to a jury trial in any resulting litigation.”
 - “No hardware per se is licensed hereunder.”
- **Added**
 - “AND TO THE EXTENT PERMITTED BY APPLICABLE LAW” to the warranty and limitation of liability sections