

# Logiciel Libre — TD 5\*

## Licenses III

2014–2015

### 1 Case study: Hellwig v. VMware

On March 5th, 2015, Software Freedom Conservancy (SFC)<sup>1</sup> has announced the lawsuit of Christoph Hellwig, a Linux kernel developer, against VMware<sup>2</sup> for alleged violation of the terms of the GNU General Public License version 2 (GPLv2) by VMware ESXi products.

**Exercise 1.1** (Context). Research information about the lawsuit in question, starting (but not limiting to) the references given in Section 2. Try to clarify the following aspects:

- a) who are the plaintiffs and the defendants?
- b) what is the role of SFC in this matter?
- c) what are the involved software products?
- d) where is the lawsuit going to take place? why there?
- e) since when the involved products have, allegedly, being in violation? why is the lawsuit happening now?

**Exercise 1.2** (Business model). Learn more about VMware, in particular find out:

- a) what is VMware?
- b) where is VMware based?
- c) what is the business model of VMware?
- d) how much is the annual revenue of VMware in recent years?
- e) what is VMware approach to software licensing? (do they release *all* their products under Free licenses? none of them? some of them?)

**Exercise 1.3** (Software architecture). Try to determine the software architecture of the software components that are relevant to this lawsuit, focusing on the following questions:

- a) what is ESXi and what it does?
- b) based on available public documentation, draw a diagram of ESXi software architecture and identify native components (implemented by VMware and shipped with ESXi) and potential 3rd party components (implemented by others, possibly added directly by final users)

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<sup>1</sup><http://sfconservancy.org/>

<sup>2</sup><http://www.vmware.com/>

- c) for each *connection* among components, determine the used communication API over that connection
- d) for each ESXi component, determine how and when the component is loaded/initialized
- e) comment the quality and extensibility of ESXi architecture

**Exercise 1.4** (Software licensing). For each software component of ESXi architecture, native or 3rd party, find out the relevant software licenses and point to their terms (if publicly available).

**Exercise 1.5** (Lawsuit). Let's now investigate the lawsuit:

- a) try to summarize what the lawsuit is about: in the opinion of the plaintiff, which license terms, of which software license, pertaining to which copyrighted lines of code, have been violated by VMware?
- b) play the role of the plaintiff: write a convincing argument in favor of your case, that will convince the judge(s) that you are right. Which remedy would you ask VMware?
- c) play the role of the defendant: write a convincing argument against requests of the plaintiff, convincing the judge that no license terms have been violated.
- d) discuss the relevance of this lawsuit. Depending on its outcome, will we learn something new about how specific actions, related to popular Free Software licenses, are allowed *in general*, or will we just settle yet another law dispute in IT?

## 2 References

- SFC lawsuit announcement <http://sfconservancy.org/news/2015/mar/05/vmware-lawsuit/>
- VMware public response <http://www.vmware.com/company/news/vmware-update-to-mr-hellwigs-legal-proceedings>
- SFC lawsuit FAQ <http://sfconservancy.org/linux-compliance/vmware-lawsuit-faq.html>
- some commentaries
  - Aaron Williamson <https://torekeland.com/blog/new-lawsuit-targets-proprietary-linux-shims>
  - Ian Wienand <https://www.technovelty.org/linux/on-vmware-and-gpl.html>
  - Jonathan Corbet (LWN.net) <http://lwn.net/SubscriberLink/635290/b2919700c9cb0a27/>
  - Simon Phipps <https://torekeland.com/blog/new-lawsuit-targets-proprietary-linux-shims>