

Logiciel Libre — TD 5*

Licenses III

2017–2018

1 Case study: Hellwig v. VMware

On March 5th, 2015, Software Freedom Conservancy (SFC)¹ has announced the lawsuit of Christoph Hellwig, a Linux kernel developer, against VMware² 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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¹<http://sfconservancy.org/>

²<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>