



TECHNOLOGY TRANSFER OFFICE

UNIVERSITY OF COLORADO

BULLETIN

> EARLY-RELEASE SOFTWARE LICENSES

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Licensing Early Versions of Source Code

The Technology Transfer Office recognizes the importance of releasing software code in conjunction with publications. The source code is often another way to disseminate academic findings. Other researchers in your field expect to be able to download, modify and experiment with software that was presented at a conference or published in a journal.

In academic environments, source code is often released long before anyone can conceive of a use for it. In fact, one of the benefits of early release is that the academic and open source communities can quickly discover applications for the software that the original author might not have imagined.

It is possible to shape the kind of development commons that you want by setting up simple permission statements for the use of your code. The permission statement can be in the form of a few sentences on your website or a more formal license.

License Alternatives

Two basic categories of early release licenses for software are open source/free software and research-only licenses:

- ♦ Both allow software to be made available for peer review as a companion to publications.
- ♦ Both encourage others to experiment with and validate the code.
- ♦ Both establish an early response that may shape the future direction of the research.
- ♦ Both encourage development and extensions by third-parties.
- ♦ Both increase demand for follow-on, complementary software products.
- ♦ Both can include provisions that allow you to control integrity of the code and re-distribution.

The key difference is that research-only licenses do not allow anyone to use the software for non-research purposes. With an open source license, companies can use your code internally and could charge for re-distribution of your code. The chart on the next page compares the advantages and disadvantages of the three main types of early-release licenses.

Software Licensing Quick Facts

- ⇒ Early-release software licenses can be divided into three basic varieties: free software licenses like the GPL, which requires that the licensee only distribute derivative products under the GPL; open source, BSD-style licenses, which allow the source code to be incorporated into a closed, "proprietary product"; and research-only licenses, which allow for distribution of source code or executables for research use only.
- ⇒ Open-source licenses come in many varieties. For help in deciding which is most appropriate for your software, see the Technology Transfer Bulletin "Working with Open Source Software".
- ⇒ Research-only licenses allow for distribution of source code or executables for research use only. Generally, these licenses are available to both non-profit and for-profit institutions. The idea is to use research licenses to distribute the source code as widely as possible without allowing others to turn it into a commercial product.

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Advantages		Disadvantages
Research-Only	Increases the demand for commercial licenses by allowing industry researchers to test the software on a trial basis.	Anonymous, click-through source code research licenses may tempt copyright infringers.
	Preserves the option to release more mature software under a commercial license.	
	Can be a tool to manage research collaborations, including first right to publish, pre-publication review and attribution.	Not favored by open source communities, and may discourage development by those communities.
	Can be a tool for quality control if all contributions are approved by your group.	
Open Source (BSD, MIT)	Encourages widespread use.	Eliminates the value of a commercial license for the software.
		Often does not result in contribution of improvements to the community.
	Encourages new relationships with companies and industry consortia.	Can be enhanced and redistributed by competitors (in academia and industry), creating splinter versions of the original code.
		Can lead to a loss of control over integrity of the code.
Free Software (GPL)	Encourages development by those in free software communities.	Control of ongoing development could be taken over by programmers in the free software community.
	Is easily recognized and readily understood by most researchers.	Prevents widespread adoption by companies who cannot merge free software with own proprietary software code.

The TTO is a resource for you when you are deciding which license is most appropriate for your software project. Contact us to ask for a consultation on software licensing at any stage.

To learn more about TTO processes: <http://www.cu.edu/techtransfer/about/bulletins.html>

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