## OPEN-SOURCE SOFTWARE SERIES

### *By Princess Musa Dube*

### PART 3: Distribution

Throughout this series, we have mentioned the rules around distribution of OSS, but what is distribution, and what does it entail?

In the context of open-source software (OSS), "distribution" refers to the process of making the software's source code or compiled binaries available to others. Distribution is a fundamental concept in the open-source philosophy and is guided by the principles of transparency, collaboration, and accessibility.

To fully appreciate distribution in the context of open-source software, we must distinguish between the two software models; Software as a Service (SaaS) and Software as a Product (SaaP) also known as on-premise software. This is because the nature of compliance and the specific considerations differs between the two models.

### Software as a Service

Software as a Service (SaaS) is a cloud computing model in which software applications are hosted and provided to users over the internet on a subscription basis. Instead of installing and running software on individual computers or servers, users can access the software and its features through a

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web browser. SaaS providers typically handle maintenance, updates, security, and infrastructure, allowing users to focus on using the software rather than managing it.

Examples of SaaS include Google Workspace (formerly G Suite), Microsoft 365 (formerly Office 365), Zoom, Dropbox, Adobe Creative Cloud, Music Streaming platforms such as apple music and spotify, to name a few.

## License Compliant Distribution under the SaaS Model

**Backend Use of OSS:** In the SaaS model, the software is typically hosted and maintained by the SaaS provider on their servers. While end-users do not directly interact with the OSS components, the provider may still use open-source software on the backend to power the service. Compliance is important to ensure that the provider is using OSS in accordance with its licenses.

**Client-Side Code:** Some SaaS applications use client-side code (e.g., JavaScript libraries) that may be subject to OSS licenses.

Compliance is necessary if the SaaS application includes or relies on OSS components in the user's web browser.

**Contributions:** If the SaaS provider contributes to open-source projects, they must adhere to the contribution guidelines and licensing terms of those projects.

Example of License Compliant Distribution

*If you have spotify, go to settings > about > third party software. You will see a list of third party software that is part of the iOS Client. This is an example of a warranty/notice.*

## Software as a Product (on-premise software)

Software as a Product refers to the traditional model of software development and distribution, where software is developed as a standalone product, packaged, and sold to customers or businesses as a one-time purchase or with a perpetual license. In this model, the software is typically installed on local devices (e.g., computers or servers), and users are responsible

for managing updates, maintenance, and infrastructure.

The most common example of SaaP is **Operating Systems (OS).** Operating systems like Microsoft Windows, macOS, and Linux are foundational software products that run on personal computers, laptops, and mobile devices. They provide the interface and functionality for users to perform a wide range of tasks, from browsing the web to word processing.

## License Compliant Distribution under the SaaP Model

**Distribution of Software:** In the SaaP model, the software is distributed to end-users as a product, typically installed on local devices or servers. Compliance with OSS licenses is crucial when distributing open-source software as part of a SaaP offering. This includes providing proper attribution, sharing the source code of modified OSS components, and adhering to the terms and conditions of the licenses.

**Modifications and Derivatives:** If the SaaP product includes modifications or derivatives of OSS components, these modifications must comply with the OSS licenses. This often entails sharing the modified source code with the users, which is a key requirement of many OSS licenses like the GNU General Public License (GPL) which we discussed in the last segment of this series.

**License Compatibility:** It is important to ensure that the various OSS components used in the SaaP product have compatible licenses. Some licenses may have restrictions that can affect how the software is packaged and distributed.

## Conclusion

Compliance with OSS licenses is imperative when distributing software under both the SaaS and SaaP models to avoid legal issues, maintain trust with the OSS community, and uphold the principles of open source. However, the specific compliance requirements and how they manifest may vary depending on whether you are distributing a product (SaaP) or delivering a service (SaaS). Legal counsel or experts in open-source compliance,

like the Gobhoza Legal Practice team, can be valuable resources for ensuring that your software or service aligns with OSS licensing requirements in your chosen model.

If you have interest in an in-depth discussion on this subject matter or any technology law related issues, feel free to contact us at info@gobhozalegalpractice.co.bw
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