

An Introduction to Law and Free Software

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Free Software Foundation Europe

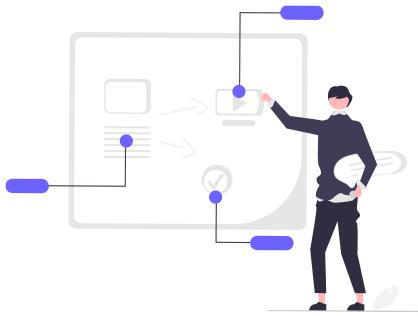
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Agenda

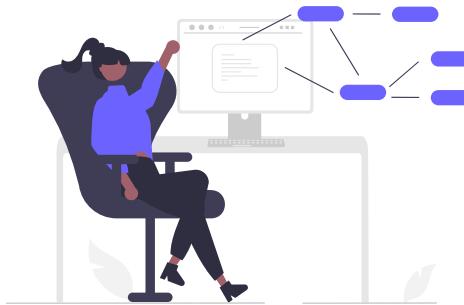
Introduction to legal and licensing issues in Free Software

Contextualize the discussions of today's devroom



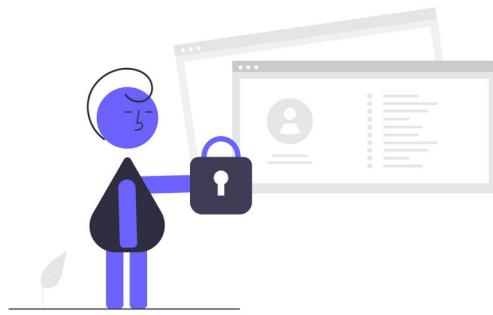
Intellectual Property Law and Copyright

- Copyright is a legal construct that grants someone exclusive rights over a particular piece of a creative work.
- Creative works include source code and software.
- Copyright gives its holder the exclusive right to make copies.



Copyright applies by default

- The instant someone makes a creative work, they possess copyright
- Software is inherently un-Free by default.



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Kat Walsh

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"no license means public domain"



status annoyicus @medburnbook · May 22

give me a horror story from your specialty in five words or less



Licensing makes Free Software

- The Four Freedoms of Free Software do not apply by default.
- Software has to be made into Free Software, through the application of a Free Software license.



What is a License?



A license is an official permission granted to do, use, or own something.

In the context of software:

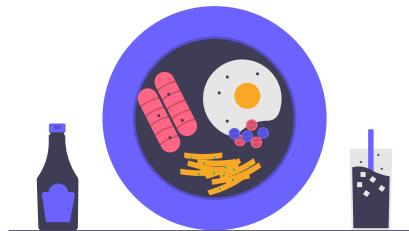
- Defines the terms under which the user is allowed to use the software.
- If the terms allow for the enjoyment of the Four Freedoms, it is a Free Software license.



Different Types of Software Licenses

Public Domain Licenses

- Licenses that act as waivers of copyright or grant public domain rights.
- Used to make copyrighted works usable without conditions.



Copyleft Licenses (Reciprocal Licenses)

- Free Software licenses with minimal requirements for redistribution

Permissive Licenses (Non-reciprocal Licenses)

- Free Software licenses with minimal requirements for redistribution

Proprietary Licenses

- Restricts one or more of the Four Freedoms of Free Software



Permissive Licenses (Non-reciprocal Licenses)

Licenses that allow you to enjoy the 4 freedoms,
with minimal obligations in return

- Allows the distribution of modified versions under different terms, including as proprietary software.
- You can build non-Free Software from Free Software that is licensed under a permissive license
- MIT (Expat) License, Apache Licenses



Copyleft Licenses (Reciprocal Licenses)



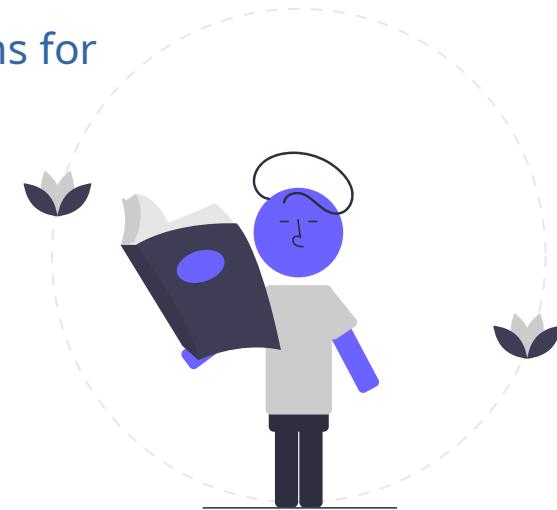
Licenses that allow you to enjoy the 4 freedoms, with specific obligations in return

- Freedoms in original licensed components MUST remain intact in further downstream distribution, or in any modified or derivative works.
- Original freedoms must be preserved downstream
- GPL, AGPL, LGPL, EUPL



Law as a Support System for the Four Freedoms

- Licensing, Copyright, IP Law are used to serve a larger purpose:
- Supporting, upholding, and enforcing the Four Freedoms for the benefit of society.
- The Four Freedoms build a transparent and open digital society that can benefit all users.



Strategic Litigation as a Legal Tool

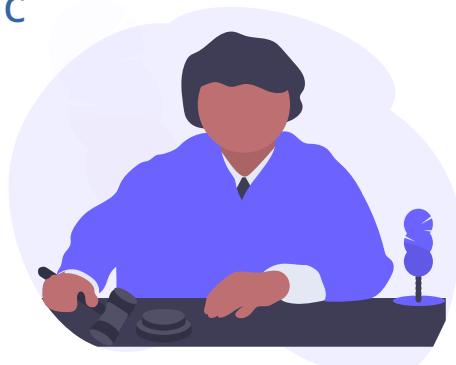
"Strategic litigation is legal action seeking to bring about social change with an impact beyond the individual case. ... It gives a platform for people affected by rights violations to be seen and heard, triggers discussion of these violations, and highlights weaknesses and gaps in the law."

- European Center for Constitutional and Human Rights



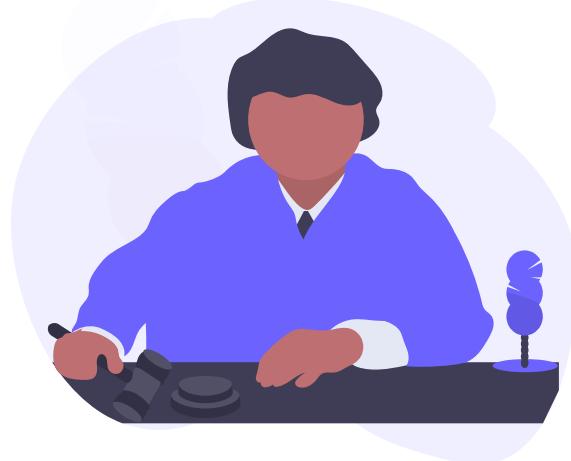
Example: Spanish Supreme Court Judgment 1119/2025

- Verdict establishes a concrete legal precedent in Spain that the Freedom to Study is constitutionally necessary in publicly administered software and algorithms.
- This is a fundamental principle inherent to a democratic state.



Example: Spanish Supreme Court Judgment 1119/2025

- Access to source code can be needed to verify automated government decisions;
- “Intellectual property rights” do not automatically block transparency;
- Security concerns must be balanced against democratic accountability;
- Transparency is especially critical for systems affecting social rights.



Free Software Supports Our Legal Rights In The Digital Age



Right to Privacy

- We need to know what the software that we use is doing with the data that we provide it



Right to Vote

- We need to know if we vote electronically, that the software registers and counts our vote properly



Right to be Free from Discrimination

- We need to know that software we use to make important decisions impacting our lives isn't written in a way to discriminate.

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