

Skype loses GPL lawsuit in Germany

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By Troy Unrau | Last updated July 25, 2007 8:11 PM CT



Skype lost a GPL (version 2) lawsuit today as a Munich court ruled against them on a literal interpretation of the wording of the GPL. Skype was shipping Linux as part of their WSKP100 VoIP phone but they were not shipping the source code. Under the terms of the GPLv2, you can elect to not ship the source and instead choose to provide a link to the source where it is freely available. However, the real problem seems to be that they were not shipping a copy of the GPL license itself, which is in violation of the terms of the license.

It seems trivial, and not something that I'd expect anyone to get up in arms over. Skype will mostly likely have to pay a small fine, and start shipping a copy of the GPL license text with future versions. Lawsuits like this are not really meant to punish companies, but to ensure that they are taking the text seriously when they base a product on software that is GPL licensed.

The suit was brought forth by gpl-violations.org, a European group that is dedicated to ensuring the general compliance to the terms of the GPL licensing requirements. They generally settle most claims before going to court. From their website: "We strive to resolve issues amicably. When this fails we resolve them through legal actions." In this case, they needed legal action to accomplish their goals, but the outcome is the same. Additionally, every case that hits the courts then can become legal precedent for future cases.

I don't expect that the open source community is likely to be upset with Skype over this event considering the extra attention Skype has put into ensuring that their products are available and integrated into the open source desktops, but the fact that they had to be taken to court to be forced to fix this problem is in itself a notable lapse on their part.

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