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# Anhang

Aufgrund ihrer besonderen Bedeutung für das vorliegende Vorhaben werden die Definitionen für die Begriffe „Free Software“ und „Open Source Software“ hier ungekürzt und in der Originalsprache abgedruckt.

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## Originalwortlaut der Free Software Definition

Im englischen Ursprungstext wird Free Software wie folgt definiert (Free Software Foundation Inc. 2012b):

“Free software” means software that respects users’ freedom and community. Roughly, **the users have the freedom to run, copy, distribute, study, change and improve the software.** With these freedoms, the users (both individually and collectively) control the program and what it does for them.

When users don’t control the program, the program controls the users. The developer controls the program, and through it controls the users. This nonfree or “proprietary” program is therefore an instrument of unjust power.

Thus, “free software” is a matter of liberty, not price. To understand the concept, you should think of “free” as in “free speech”, not as in “free beer”.

A program is free software if the program’s users have the four essential freedoms:

- The freedom to run the program, for any purpose (freedom 0).
- The freedom to study how the program works, and change it so it does your computing as you wish (freedom 1). Access to the source code is a precondition for this.
- The freedom to redistribute copies so you can help your neighbor (freedom 2).
- The freedom to distribute copies of your modified versions to others (freedom 3). By doing this you can give the whole community a chance to benefit from your changes. Access to the source code is a precondition for this.

A program is free software if users have all of these freedoms. Thus, you should be free to redistribute copies, either with or without modifications, either gratis or charging a fee

for distribution, to anyone anywhere. Being free to do these things means (among other things) that you do not have to ask or pay for permission to do so.

You should also have the freedom to make modifications and use them privately in your own work or play, without even mentioning that they exist. If you do publish your changes, you should not be required to notify anyone in particular, or in any particular way.

The freedom to run the program means the freedom for any kind of person or organization to use it on any kind of computer system, for any kind of overall job and purpose, without being required to communicate about it with the developer or any other specific entity. In this freedom, it is the *user's* purpose that matters, not the *developer's* purpose; you as a user are free to run the program for your purposes, and if you distribute it to someone else, she is then free to run it for her purposes, but you are not entitled to impose your purposes on her.

The freedom to redistribute copies must include binary or executable forms of the program, as well as source code, for both modified and unmodified versions. (Distributing programs in runnable form is necessary for conveniently installable free operating systems.) It is OK if there is no way to produce a binary or executable form for a certain program (since some languages don't support that feature), but you must have the freedom to redistribute such forms should you find or develop a way to make them.

In order for freedoms 1 and 3 (the freedom to make changes and the freedom to publish improved versions) to be meaningful, you must have access to the source code of the program. Therefore, accessibility of source code is a necessary condition for free software. Obfuscated "source code" is not real source code and does not count as source code.

Freedom 1 includes the freedom to use your changed version in place of the original. If the program is delivered in a product designed to run someone else's modified versions but refuse to run yours – a practice known as "tivoization" or "lockdown", or (in its practitioners' perverse terminology) as "secure boot" – freedom 1 becomes a theoretical fiction rather than a practical freedom. This is not sufficient. In other words, these binaries are not free software even if the source code they are compiled from is free.

One important way to modify a program is by merging in available free subroutines and modules. If the program's license says that you cannot merge in a suitably licensed existing module – for instance, if it requires you to be the copyright holder of any code you add – then the license is too restrictive to qualify as free.

Freedom 3 includes the freedom to release your modified versions as free software. A free license may also permit other ways of releasing them; in other words, it does not have to be a copyleft license. However, a license that requires modified versions to be nonfree does not qualify as a free license.

In order for these freedoms to be real, they must be permanent and irrevocable as long as you do nothing wrong; if the developer of the software has the power to revoke the license, or retroactively add restrictions to its terms, without your doing anything wrong to give cause, the software is not free.

However, certain kinds of rules about the manner of distributing free software are acceptable, when they don't conflict with the central freedoms. For example, copyleft (very simply stated) is the rule that when redistributing the program, you cannot add restrictions to deny other people the central freedoms. This rule does not conflict with the central freedoms; rather it protects them.

"Free software" does not mean "noncommercial". A free program must be available for commercial use, commercial development, and commercial distribution. Commercial development of free software is no longer unusual; such free commercial software is very important. You may have paid money to get copies of free software, or you may have obtained copies at no charge. But regardless of how you got your copies, you always have the freedom to copy and change the software, even to sell copies.

Whether a change constitutes an improvement is a subjective matter. If your modifications are limited, in substance, to changes that someone else considers an improvement, that is not freedom.

However, rules about how to package a modified version are acceptable, if they don't substantively limit your freedom to release modified versions, or your freedom to make and use modified versions privately. Thus, it is acceptable for the license to require that you change the name of the modified version, remove a logo, or identify your modifications as yours. As long as these requirements are not so burdensome that they effectively hamper you from releasing your changes, they are acceptable; you're already making other changes to the program, so you won't have trouble making a few more.

A special issue arises when a license requires changing the name by which the program will be invoked from other programs. That effectively hampers you from releasing your changed version so that it can replace the original when invoked by those other programs. This sort of requirement is acceptable only if there's a suitable aliasing facility that allows you to specify the original program's name as an alias for the modified version.

Rules that "if you make your version available in this way, you must make it available in that way also" can be acceptable too, on the same condition. An example of such an acceptable rule is one saying that if you have distributed a modified version and a previous developer asks for a copy of it, you must send one. (Note that such a rule still leaves you the choice of whether to distribute your version at all.) Rules that require release of source code to the users for versions that you put into public use are also acceptable.

In the GNU project, we use copyleft to protect these freedoms legally for everyone. But noncopylefted free software also exists. We believe there are important reasons why it is better to use copyleft, but if your program is noncopylefted free software, it is still basically ethical. (See *Categories of Free Software* for a description of how "free software", "copylefted software" and other categories of software relate to each other.)

Sometimes government export control regulations and trade sanctions can constrain your freedom to distribute copies of programs internationally. Software developers do not have the power to eliminate or override these restrictions, but what they can and must do is refuse to impose them as conditions of use of the program. In this way, the restrictions will not affect activities and people outside the jurisdictions of these governments. Thus,

free software licenses must not require obedience to any export regulations as a condition of any of the essential freedoms.

Most free software licenses are based on copyright, and there are limits on what kinds of requirements can be imposed through copyright. If a copyright-based license respects freedom in the ways described above, it is unlikely to have some other sort of problem that we never anticipated (though this does happen occasionally). However, some free software licenses are based on contracts, and contracts can impose a much larger range of possible restrictions. That means there are many possible ways such a license could be unacceptably restrictive and nonfree.

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## Originalwortlaut der Open Source Definition

Die Open Source Definition lautet im englischen Original (Open Source Initiative 2012b):

### „1. Free Redistribution

The license shall not restrict any party from selling or giving away the software as a component of an aggregate software distribution containing programs from several different sources. The license shall not require a royalty or other fee for such sale.

### 2. Source Code

The program must include source code, and must allow distribution in source code as well as compiled form. Where some form of a product is not distributed with source code, there must be a well-publicized means of obtaining the source code for no more than a reasonable reproduction cost preferably, downloading via the Internet without charge. The source code must be the preferred form in which a programmer would modify the program. Deliberately obfuscated source code is not allowed. Intermediate forms such as the output of a preprocessor or translator are not allowed.

### 3. Derived Works

The license must allow modifications and derived works, and must allow them to be distributed under the same terms as the license of the original software.

### 4. Integrity of The Author's Source Code

The license may restrict source-code from being distributed in modified form *only* if the license allows the distribution of “patch files” with the source code for the purpose of modifying the program at build time. The license must explicitly permit distribution of software built from modified source code. The license may require derived works to carry a different name or version number from the original software.

### 5. No Discrimination Against Persons or Groups

The license must not discriminate against any person or group of persons.

**6. No Discrimination Against Fields of Endeavor**

The license must not restrict anyone from making use of the program in a specific field of endeavor. For example, it may not restrict the program from being used in a business, or from being used for genetic research.

**7. Distribution of License**

The rights attached to the program must apply to all to whom the program is redistributed without the need for execution of an additional license by those parties.

**8. License Must Not Be Specific to a Product**

The rights attached to the program must not depend on the program's being part of a particular software distribution. If the program is extracted from that distribution and used or distributed within the terms of the program's license, all parties to whom the program is redistributed should have the same rights as those that are granted in conjunction with the original software distribution.

**9. License Must Not Restrict Other Software**

The license must not place restrictions on other software that is distributed along with the licensed software. For example, the license must not insist that all other programs distributed on the same medium must be open-source software.

**10. License Must Be Technology-Neutral**

No provision of the license may be predicated on any individual technology or style of interface.“