



SORAINEN

IP in computer
programs:
navigating open source
components and
licenses

Sidas Sokolovas

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What is software? (according to the law)

Directive 2009/24/EC:

“Member States shall protect computer programs, by copyright, as literary works”

Lithuanian law:

“a set of instructions expressed in words, codes, schemes or in any other form capable, when incorporated in a computer-readable medium, of causing a computer to perform a particular task or bring about a certain result; this definition also includes preparatory design material of such instructions, provided that the said set of instructions can be created from it”



```
obj.1]: "translator": null
obj.1]: "protector": null
obj.1]: "verified": null
obj.1]: "followers_count": null
obj.1]: "friends_count": null
obj.1]: "listed_count": null
obj.1]: "favourites_count": null
obj.1]: "statuses_count": null
obj.1]: "created_at": null
obj.1]: "utc_offset": null
obj.1]: "time_zone": null
obj.1]: "geo_enabled": null
obj.1]: "lang": null
```

What is protected?

- *“the expression in any form of a computer program”*
- *“if it is original in the sense that it is the author's own intellectual creation. No other criteria shall be applied to determine its eligibility for protection”*

What is not protected?

- *“ideas and principles which underlie any element of a computer program”*
- additional elements (e. g. graphic user interface)

Using software lawfully – legal basis

Ownership – economic rights to software are owned by the relevant entity.

Examples:

developing proprietary software internally

receiving ownership rights to software developed under development agreements

purchasing already developed software

Licensing – rights to use software are granted without transfer of ownership

Examples:

bespoke agreements for specific software

off-the-shelf single payment software

SaaS

free-of-charge software

Open source – use (and modification) of software is allowed under open source licenses

Examples:

MIT

GPL

BSD

Apache

Open source licenses

Permissive licenses

Permissive licenses allows unrestricted (or nearly unrestricted) use, modification, and distribution of the software by anyone. This flexibility allows the software and its derivatives to be incorporated into proprietary or closed-source products without the obligation to disclose the source code or share any modifications.

Restrictive licenses (copyleft)

Copyleft licenses are open source licenses that allow free use of the software, but mandate that anyone who alters or distributes the software must also distribute their modifications under either the same license or one that is compatible. Consequently, the software and its derivatives must stay freely accessible and modifiable for all.

Open source software

Permissive licenses	Restrictive licenses (copyleft)
Permission to do (nearly) anything with the code	Works created must be licensed under the same license
Examples: MIT, BSD, Apache, etc.	Examples: GPL, AGPL, MPL etc.

- General rule: avoid copyleft licenses.
- Stick with licences suited for the purpose:
 - permissive licences for commercial proprietary software;
 - copyleft licences for (internal) collaborative software.



Sidas Sokolovas

Senior Associate

M. +370 62 304 665

sidas.sokolovas@sorainen.com

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