

## Re: non-free firmware in kernel modules, aggregation and unclear copyright notice.

**Source:** <http://linux.derkeiler.com/Mailing-Lists/Kernel/2005-04/0962.html>

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**From:** Adrian Bunk (*bunk\_at\_stusta.de*)

**Date:** 04/04/05

Date: Mon, 4 Apr 2005 21:58:30 +0200  
To: Sven Luther <svlen.luther@wanadoo.fr>

On Mon, Apr 04, 2005 at 09:29:45PM +0200, Sven Luther wrote:

> On Mon, Apr 04, 2005 at 12:17:46PM -0700, Greg KH wrote:  
>> On Mon, Apr 04, 2005 at 08:27:53PM +0200, Sven Luther wrote:  
>>> Mmm, probably that 2001 discussion about the keyspan firmware, right ?  
>>>  
>>> <http://lists.debian.org/debian-legal/2001/04/msg00145.html>  
>>>  
>>> Can you summarize the conclusion of the thread, or what you did get from it,  
>>> please ?  
>>  
>> That people didn't like the inclusion of firmware, I posted how you can  
>> fix it by moving it outside of the kernel, and asked for patches.  
>  
> Yeah, that is a solution to it, and i also deplore that none has done the job  
> to make it loadable from userland. For now, debian is satisfied by moving the  
> whole modules involved to non-free, and this has already happened in part.

Does this imply your installer will use these non-free modules?

If the driver for the controller your harddisk is behind is not used by the installer you could simply remove these modules instead of moving them to non-free.

>> None have come.  
>>  
>> So I refuse to listen to talk about this, as obviously, no one cares  
>> enough about this to actually fix the issue.  
>  
> Well, i disagree with the above analysis. The problem is not so much that the  
> firmware violate the GPL, as it constitutes mere agregation, but that the  
> actual copyright statement of the files containing the firmware blobs place  
> them de-facto under the GPL, which i doubt is what was intended originally,  
> don't you think.  
>  
> And \*I\* do care about this issue, and will follow up this issue with mails to

Linux-Kernel: Re: non-free firmware in kernel modules, aggregation and unclear copyright notice.

> *the individual copyright holders of the file, to clarify the situation.*  
>  
> > *People drag this up about once a year, so you are just following the*  
> > *trend...*  
>  
> *Nope, i am aiming to clarify this issue with regard to the debian kernel, so*  
> *that we may be clear with ourselves, and actually ship something which is not*  
> *of dubious legal standing, and that we could get sued over for GPL violation.*  
>...

If it was a GPL violation, it wasn't enough to contact only the small subset of copyright holders that worked on this specific file since this file might be compiled statically into the GPL'ed kernel.

> *Friendly,*  
>  
> *Sven Luther*

cu  
Adrian

--  
"Is there not promise of rain?" Ling Tan asked suddenly out  
of the darkness. There had been need of rain for many days.  
"Only a promise," Lao Er said.  
Pearl S. Buck - Dragon Seed

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