

Re: Dual-Licensing Linux Kernel with GPL V2 and GPL V3

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 - *Date:* Wed, 20 Jun 2007 13:17:20 -0400
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On Tue, Jun 19, 2007 at 05:04:52AM -0300, Alexandre Oliva wrote:

Yes. How does this relate with the piece of the argument I've proposed so far, or the whole argument I've posted before?

Answer: It doesn't. At all. You're just showing you didn't understand the argument. Which shows why I have to explain it piece by piece. Which suggests you shouldn't try to jump to conclusions.

Once again, now with clearer starting conditions (not intended to match TiVo in any way, BTW; don't get into that distraction)

Vendor doesn't care about tivoizing, their business works the same either way.

Not true. A PVR that can record pay per view and encrypted digital channels and other such things (as mandated by MPAA or whoever is unfortunately in charge of such stupid things), is much easier to sell to customers, and as a result they have to prevent things that the content providers want prevented (never mind that such prevention is futile because there is no DRM that can't be broken, only made more difficult to break). So their business does not work anywhere near as well if they can't sell devices that do what their customers want them to do (which is record stuff from TV, not play tetris, even though tetris might be fun too). Now if they don't do what the content providers want, they have to sell an inferior PVR, while a competitor that does what the content providers demand (in order to provide what customers demand), then they won't sell very much. They could go with another non GPL os and software of course, and spend way more moeny on it (or potentially use BSD or something) and deal with the problem that way. Either way GPL software gets no contributions under the GPL v3 if the company wants to be competitive in that business.

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Vendor's employees will contribute the same, one way or another, so their contributions are out of the equation.

No, because they are no longer using GPL software.

Users get source code in either case, and they can modify it and share it. They're in no way stopped from becoming part of the community.

The users don't get any code now, because the vendor has no requirement to release it, or may even have no permission to release it. And end users are for the most part incapable of contributing anyhow.

Given these conditions:

In a tivoized device, users will be unable to scratch their itches. This doesn't stop them from contributing to the project, but they may lack self-interest motivation to contribute, because they won't be able to use their modifications in the device they own.

I bought some hardware and built a box to run mythtv. I can only record stuff from regular analog cable, because I can't buy any hardware that supports digital encrypted cable. If I bought a locked down PVR instead, then I would be able to record that, but I wouldn't be able to play around. To me playing around was more important than recording encrypted channels, but to most customers, being able to record everything is what is important.

In a non-tivoized device, users can scratch their itches. They can contribute just as much as they would in a tivoized device, but since they can use the changes they make to make their own devices work better for them, this works as a motivator for them to make changes, and perhaps to contribute them. Therefore, they will tend to contribute more.

Their device can't physically do some of the things they wanted it to do though, since those features disappeared when the tivoization was removed due to licensing issues with the content makers.

Can you point out any flaw in this reasoning, or can we admit it as true?

Certainly fails to be true.

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Who is to blame? The content makers for requiring lock down of devices that can access their content? Consumers for demanding to be able to use that content and hence buying devices that can use it? The company that made a device that did what consumers demanded by implementing it the way required by the content makers?

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Len Sorensen

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