

# Re: [PATCH] USB: mark USB drivers as being GPL only

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- *From:* Bernd Petrovitsch <[bernd@xxxxxxxxx](mailto:bernd@xxxxxxxxx)>
  - *Date:* Tue, 05 Feb 2008 13:32:37 +0100
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On Die, 2008-02-05 at 21:48 +1030, David Newall wrote:

Bernd Petrovitsch writes:

On Mon, 2008-02-04 at 01:37 +1030, David Newall wrote:  
[...]

disadvantage Linux with respect to many classes of devices,  
for example  
GSM transceivers when used in those parts of the world^  
where regulatory  
requirements prohibit modification of power or frequency  
settings, which  
effectively prohibits open-source driver.

BTW the (trivial?) solution for the hardware manufacturer: People must  
use/download some signed binary blurb which actually configures the  
limits of the configurable values.

Are you sure that that is not only (the results of) propaganda of  
(certain) proprietary companies?

well, yes.

Usually the \*user\* (at home, wherever) sets "illegal" values. So it's  
the users responsibility and the manufacturer, importer or sellers don't  
care (if only that can't prevent other "illegal" actions like "beating  
some to death with \$WLAN\_ROUTER").

Or, as is the case perhaps almost everywhere, governments prohibit devices

There are rumors/stories that even the FCC in .us doesn't go after

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producers/vendors/sellers of devices which may be operated beyond governmental requirements. With exactly my comparison BTW. Does the FCC forbid the \*operating\* or the \*distribution\*?

that can operate outside of local requirements.

At least in .at it is not forbidden to import and/or sell devices which \*can\* be operated outside some local law requirements. If \*you\* configure it wrong, \*you\* have violated the law/rules and it is thus in \*your\* responsibility.

The first reason is that there are European Union laws which basically override the local Austrian laws – but we can ignore that as it is a European Union thing.

One (non–technical) reason is that even those requirements change over time.

Another reason is that e.g. setting the transmit power on some common WLAN devices to the minimal possible values (which the hardware allows) doesn't imply staying within legal bounds: I can have a (common of the shelf!) high–quality antenna and not–so–bad cabling and than I'm beyond the officially allowed maximum transmit power.

A third (non–technical) reason is that I (as a pure private person/organization) may have some explicit governmental exception of the governmental limits (for whatever reason).

I concur that there might be governments which forbid importing/selling/distributing devices where legal usage is absolutely not possible.

But historically at least in .at, these devices were simply marked "for export only". "Problem" solved.

Or do you get a gun manufacturer before court just because someone committed a crime with a its gun?

Let's not confuse the issue.

It's IMHO precisely the issue (at least with my understanding of law stuff): Which action is illegal and who is responsible for it.

Bernd

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