

Trip report for IETF 64 IPR meeting for Stichting NLnet

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Background

Simon Josefsson Datakonsult (SJD) has for the past few years developed several free software implementations of IETF protocols, including GNU Libidn used for Internationalized Domain Names; GNU SASL, GNU Shishi and GNU GSS used for user authentication. SJD currently also maintain GnuTLS.

SJD participates in the IETF since the late 1990s, with several published documents related to the Domain Name System, and is initial co-designer of the PEAP protocol for Wireless LAN user authentication. SJD is an active participant in several Security area working groups, and is editing documents targetted for the SASL, KRB-WG, and OPENPGP working groups.

SJD discovered in early 2003 that the IETF license on RFC documents may present a problem when they are incorporated in free software products. The concern is that it should be possible to include excerpts from RFCs in free software products. The current IETF license does not permit this, but many free software projects need that right. The issue was discussed on the general IETF list during 2004. The Free Software Foundation was contacted, and agreed with the interpretation that the IETF license is not free. Since mid-2005, SJD has pursued this issue within the IPR WG. During October 2005 SJD devloped his own proposal to solve the problem, and has since been pushing for it within the IPR WG.

With the financial help from Stiching NLnet and other contributors, and with the support of the Debian community and around 40 individuals, and examples of problems caused for the FreeBSD community and the Sun Solaris operating system, together with examples from several specific free software projects, SJD went to Vancouver for the IETF 64 IPR meeting to present the issue, to raise awareness and to listen to the IETF community discussion.

Further information can be found online at: <http://josefsson.org/bcp78broken/>.

Offline meeting

Before the IPR WG session, SJD met with Harald Alvestrand (acting IPR WG chair), Jorge Contreras (IETF lawyer) and Scott Bradner (author of RFC 3978) for about one

hour. The meeting consisted of going through the current license and our presentations. SJD expressed a wish to add the word “perpetual” to the rights granted for use and distribution of RFCs. SJD explained in more detail the examples given in the draft. Alvestrand asked SJD to remove the discussion about process issues from the presentation, and SJD did so in order to give more time for forward-looking discussions.

Meeting notes

The IPR WG met for one hour on November 8 at 18.50. The meeting started with presentation of the IPR Trust (12 minutes), an introduction of the main topic by the acting WG chair (5 minutes), Scott Bradner’s presentation and discussion (30 minutes), SJD’s presentation (8 minutes) and David Black’s presentation (5 minutes).

Due to the poor scheduling, there were no time for an open mike. The agenda suggested there would be 30 minutes of open mike time.

The main focus of the meeting became the inbound rights, granted from contributors to the IETF. This was not anticipated to be a controversial matter. After Scott’s presentation, a show of hands was performed, indicating strong support for giving IETF the ability to grant others sub-licenses to IETF Contributions.

The issue of outbound rights, from the IETF to third parties, was discussed in the last 13 minutes with no input from the audience.

SJD believes the IPR WG meeting was badly run by the acting WG chair, Harald Alvestrand, in that no open mike time was given, despite the WG agenda clearly allocating time for it. As a result of this, little community input was received.

Still, in the few minutes that were given, SJD had a chance of going through the examples of where the current IETF license causes problems. It is hoped that the audience recognized and could identify with some of those examples, so they could lend support of SJD’s effort.

Post-meeting developments

After the meeting, SJD has continuously been participating in e-mail discussions and has revised his proposal. More input from the Debian and FreeBSD communities has been received.

During and after the IPR WG meeting, SJD received copies of e-mails from 2004 quoting discussions on the IAB list that mentioned this issue within the context of FreeBSD. After the meeting, SJD posted his findings to the IPR WG list, to prove that the IETF had been made aware of this issue. The problem had supposedly been forwarded to the IPR WG, but the issue was ignored. The IPR WG Area Director has claimed that the IETF has not been aware of this issue.

Process issues

There are several concerns with the way in which the IETF has handled this issue.

During 2004, when RFC 3667 was revised into RFC 3978, the input from the IAB concerning FreeBSD's concerns over the RFC 3666 license was ignored by the WG chair and/or document editors. RFC 3978 did not end up changing the outbound rights granted from the IETF to third parties at all.

More important is the gap between what the IPR WG was chartered to do and what it produced. The IPR WG was chartered to clarify RFC 2026. The charter specifically states that if any changes are made, the charter will have to be updated. RFC 2026 granted third parties the following rights¹:

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This document and translations of it may be copied and
furnished to others, and derivative works that comment on or
otherwise explain it or assist in its implmentation may be
prepared, copied, published and distributed, in whole or in
part, without restriction of any kind, provided that the above
copyright notice and this paragraph are included on all such
copies and derivative works.
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RFC 3978 does not grant third parties any rights whatsoever. Not even rights to copy and distribute RFCs. This flaw has been acknowledged in parts through the latest RFC 3978bis update proposal, but the update proposal does not grant all the rights that were granted in RFC 2026. SJD believes this violate the WG charter.

Future work

SJD firmly believe that the IPR WG must develop consensus around the outbound rights that the IETF should give to third parties. The IPR WG charter should be updated to reflect that. A “requirements document” that gives everyone a chance to provide input to the design process is a common mechanism to start this process. SJD believes that compatibility with the GPL and the BSD licenses should be a critical feature for the IETF license.

SJD hopes to be able to continue to update his proposal during his spare time. SJD hopes that future IPR WG meetings will discuss the proposal.

Activities that would help this effort include spreading the word among free and open source users that have an interest in IETF activities, to sponsor review by lawyers and to sponsor travels for future IETF meetings for SJD.

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¹Quoted with permission under RFC 2026; it is noted that the RFC 3978 license would not have permitted this excerpt.