IP Due Diligence
Modernizing our Processes

April 2022

Background and History

- Copyright provenance was the initial deep focus of our IP processes
  - SCO lawsuit was recent when the EF was being established
  - Initial IP policy required deep analysis of every 3rd party dependency before they could even be used in a build
    - "Distribution" = "place in an Eclipse Foundation source repository"
  - In 2006 approved a policy on 3rd party dependencies to prevent projects from circumventing our processes
    - See "prerequisite" and "work-with" dependencies
- Our existing tools and infrastructure are ancient and must be replaced
  - E.g. IPzilla is running on a ~15-year-old unpatched version of Bugzilla
- Initially the Eclipse Foundation was conceived as a single-license foundation similar to the Apache Software Foundation
  - Now a multi-license foundation more similar to the Linux Foundation

Industry Expectations Have Changed

Industry best practices are now focused on:

1. License compliance
   - (And security, but that is a different topic)
   - License compatibility is a key part of this
2. Software bill of materials (SBOM) to ensure downstream consumers understand what they are getting
3. Automation - OSS is now happening at an enormous scale, and relying on manual processes is no longer tenable

A Radical Proposal (1 of 2)

- The EPL is no longer special in the IP Policy or elsewhere
  - (But we still love and highly recommend the EPL-2.0)
- Focus our energies on license compliance
- License approval processes managed by the EMO without requirement for Board approvals
  - Focus on project-level license compatibility
  - Note that we will no longer be able to assume that Eclipse Foundation projects can use other EF projects without license compatibility checks

A Radical Proposal (2 of 2)

- Eliminate manual record keeping requirements for dependencies
  - Revoke the existing policy on third party dependencies
    - Only track what is distributed by our projects
  - Deprecate IPzilla and CQs (contribution questionnaires)
    - To the degree that any manual record keeping is still required, use public Gitlab to support
  - Eliminate the requirement for IP Logs
    - Rely entirely on SBOMs and git logs for communicating the provenance of our code
    - AFAWK IBM is the only company that has made systematic use of our IP logs
- Implement build-time license compliance tools such as ORT
  - Automate license compliance checking of all third party dependencies
  - Automate creation of machine-readable SBOMs

Benefits

- Brings EF processes in line with current industry best practices
- Improves our ability to scale
- Reduces the IP due diligence burden on our projects, committers, and staff
- Deprecates old infrastructure
- New mantra: automate all the things (as much as possible)

Board Decisions and Timeline

- Modifications to IP Policy
  - Remove references to EPL
  - Adjust record keeping requirements to reflect new approach
- Resolution to revoke following policies:
  - [Implementing the IP Policy](#)
  - [Third Party Dependencies](#)
- Revisions available in April to Board and Members
- Board vote in June, with updated policy to go into place July 29, 2022
  - If possible to complete sooner, we will make the attempt

Thank you!