



PRESS KIT

Supplement to press release:

*Software Freedom Conservancy files lawsuit against
California TV manufacturer Vizio Inc. for GPL violations*

Oct. 19, 2021

Software Freedom Conservancy is a nonprofit organization centered around ethical technology. Our mission is to ensure the right to repair, improve, and reinstall software. We promote and defend these rights through fostering free and open source software (FOSS) projects, driving initiatives that actively make technology more inclusive, and advancing policy strategies that defend FOSS (such as copyleft).

sfconservancy.org

Software Freedom Conservancy, Inc.
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PRESS KIT

MEDIA CONTACT
Hannah Gregory
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Did you know? (FAST FACTS)

... that nearly every electronics product smarter than a toaster contains software, and usually, that software includes Linux or other software under copyleft licenses—such as the **General Public License (GPL)**?

... that companies who build electronics products can surreptitiously and arbitrarily disable the software, or simply stop sending updates, turning the products nonfunctional and completely useless at their whim? In other words, did you know that these devices are built for planned premature obsolescence and that companies often accomplish that by **violating the GPL**, a free and open source (FOSS) license that should prevent that outcome?

... that you, as the consumer, have specific rights to modify, improve, repair and fix the software in your Linux-based products?

... the rights guaranteed by the GPL (the license of Linux and a lot of other software) don't just allow you to fix and repair the software, but **also allow you** to go to any knowledgeable individual or organization (volunteer or business) when the company that sold you the device fails to fix it?

... that Vizio was previously sued for its invasion of privacy of its consumers? ([source](#))

... that your Vizio TV contains software that assures your right to repair (or hire anyone you want to repair) the base operating system, called Smartcast (the software on Vizio's TVs)?

... that Software Freedom Conservancy is the organization stepping up to take companies to court to demand the rights of the public from Vizio and others who fail to assure consumer's rights under the GPL?

... that what makes this litigation unique and historic in terms of defending consumer rights is the fact that it is the first case that focuses on the rights of individual consumers as third-party beneficiaries of the GPL.

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Glossary

*See also full
Glossary of Terms.*

General Public License (GPL)

A copyleft license that ensures end users the freedom to run, study, share, and modify the software. Often referred to as “the GPL.”

FOSS

Acronym for free and open source software (FOSS). See *software freedom*.

software freedom

The freedom of a user to run, study, (re)distribute, and (re)install (modified) versions of a piece of software.

More generally, it is the idea that we are entitled to rights when using software and there should be equal protections for privacy and redistribution. The rights should treat everyone equally—big businesses and individual consumers and users alike.

copyleft / copyleft licensing

A kind of software licensing that leverages the restrictions of copyright, but with the intent to promote sharing (using copyright licensing to freely use and repair software). Software programs are copylefted when they utilize software with a copyleft license. These copyleft licenses are unique in that they seek to put large corporations, small companies, consumers, and hobbyists all on equal footing. The intention is for this to be achieved by granting everyone the exact same rights, permissions, and privileges to modify, improve, and/or include the software in their products.



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Overview

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ABOUT THE PLAINTIFF

With a focus on ethical technology, **Software Freedom Conservancy** is a 501(c)(3) nonprofit organization that:

- is supported largely by individuals who care about technology
- demands that software be accountable to the people who use it and who may be exploited by it
- advocates for software that has been designed to be shared (using copyright licensing that allows users to freely use and repair it, and, in particular, forms of software licensing that use the restrictions of copyright to promote sharing called “copyleft”, such as the GPL)
- has attempted to help Vizio get into compliance since 2018
- purchased recent TVs to analyze and concluded that not only was Vizio not providing the source code and technical information that copyleft licenses require, Vizio was not even informing its customers about copylefted software and the rights it gives them as consumers.
- has filed a lawsuit against Vizio for non-compliance of copyleft license requirements (also see “About the Lawsuit” below)

ABOUT THE DEFENDANT

Vizio Inc. is an American publicly traded company headquartered in Irvine, California, that manufactures (designs and sells) TVs and:

- uses many different software programs that are copylefted in its TVs
- doesn’t follow the licensing rules of copyleft
- is not sharing the source code and other technical information that copyleft requires, which would allow its customers to:
 - be able to repair their own TVs (or hire anyone they want in the free market to repair them)
 - work together with others to protect their private information
 - improve their TVs for accessibility or any other purpose they think would be helpful for them
- **Vizio has a long history of violating copyleft, furthermore:**
 - the company stopped replying to inquiries from Software Freedom Conservancy in January 2020
 - Vizio has been benefiting from the use of an abundance of existing copylefted software, but completely ignores responsibilities that come with using the licenses
 - Vizio has already been subject to a large class-action suit that alleged that Vizio was misusing its customers’ private information (Vizio settled that class action for \$17 million)

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ABOUT THE SUIT

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Software Freedom Conservancy is bringing the suit as a customer of the TVs and is asking the court to require Vizio to make good on its obligations under copyleft compliance requirements.

- **the suit seeks no monetary damages**, but instead seeks access to the technical information that the copyleft licenses require Vizio to provide to all customers who purchase their TVs
- **the suit is being brought as a consumer because:**
 - copyleft licenses specifically give rights to people who receive the software downstream
 - customers are ultimately the ones who are able to determine whether a company is in compliance with a license
 - customers are the ones potentially in need of the technical information that would allow them to make modifications to the software (which is the good use that the licenses provided for, anticipated, and require)
- **This case is interesting legally because:**
 - in the past, all related lawsuits have been brought by copyright holders of the software, not the downstream recipients
 - the plaintiff is asking for the technical information and not money (via “specific performance” rather than “damages”)

WHY IS THIS LAWSUIT IMPORTANT?

The lawsuit against Vizio is about protecting consumers’ rights.

- **Consumers may not realize that:**
 - the software in all of their devices has the capability to collect private information about them
 - their devices can be made obsolete in a moment through a remote “update” of software
- **Copyleft licensing was designed as an ideological alternative** to the classic corporate software model because it:
 - allows people who receive the software to fix their devices, improve them and control them
 - entitles people to curtail surveillance and ads
 - helps people continue to use their devices for a much longer time (instead of being forced to purchase a new one)
- **Consumers should have the right-to-repair.**
 - TV repair shops used to be prevalent, but since most problems are now software-related, small businesses cannot repair TVs without full access to the software and related technical information
- **Most products employ copylefted software, but they don’t meet their obligations.**
 - this completely voids the intention of copylefted licenses and makes it impossible for customers to take any individual or collective action to improve or repair their devices

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INTENTION OF THE LAWSUIT

Software Freedom Conservancy is standing up for customers who are alienated and exploited by the technology on which they increasingly rely. The suit also seeks to:

- **Educate consumers** so they know that products with copylefted software not only can be repaired and improved, but that these products should be repaired and improved. Consumers should also be made aware that companies are infringing on their rights as consumers.
- **Send a message to companies** that they cannot continue to get a free ride if they continue ignoring the rights of their customers.
- **Bring attention to the fact that technology can be improved** and that everyone plays a role in its continued improvement (an idea that is quickly becoming more important as companies increasingly have more control over technology that our society relies on).
- **Show the public and policy makers that there are mechanisms for corporate accountability already in place** that can be leveraged through purchasing power and collective action.

(end of overview)



Inside of a Vizio TV
Model V435-J01

Photo courtesy of
Software Freedom Conservancy

Additional photo assets can be
made available to the news media
by request.



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Q&A

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Q: Who is the defendant in this lawsuit?

The defendant is Vizio, Inc., a U.S.-based TV maker and media company that has been publicly traded on the New York Stock Exchange since March 2021.

Q: What did Vizio do wrong?

The lawsuit alleges that Vizio's TV products, built on its Smartcast system, contain software that Vizio unfairly appropriated from a community of developers who intended consumers to have very specific rights to modify, improve, share, and reinstall modified versions of the software.

Q: So, Vizio didn't create Smartcast?

It appears from extensive research that the core components of Smartcast were not created by Vizio, but rather, are based on various components licensed to the public under free and open-source software (FOSS) licenses. Most notably, many of the programs that are part of the Smartcast system are licensed under the GPL.

Q: What is copyleft?

Copyleft is a term used to describe a license that uses the rights granted under copyright—not to restrict usage, but instead to ensure that the software is always shared freely.

Q: What is FOSS?

“FOSS” stands for free and open-source software that allows for software freedom. “Software freedom” means the freedom of a user to run, study, (re)distribute, and (re)install (modified) versions of a piece of software. More generally, it is the idea that we are entitled to rights when using software and there should be equal protections for privacy and redistribution. The rights should treat everyone equally: big businesses and individual consumers and users alike.

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Q: I thought FOSS allowed companies to simply take software from the commons and put it into their products whenever they wanted? Isn't that the whole point of FOSS—for companies to get components for their products and lower their cost of production?

While that is the main advantage that big corporations get from FOSS, it was never the primary impetus behind FOSS. Particularly through special licensing terms like the GPL, this licensing approach creates an egalitarian community of users, developers, and consumers. When functioning correctly, each individual and organization that participates in FOSS stands on equal footing with everyone else. Licenses like the GPL have rules to assure everyone's rights in that ecosystem are treated with equal respect and reverence. This is why compliance with these rules is important and why people must stand up against companies who refuse to comply.

Q: But, I'm not a software developer. Why should I care at all that Vizio won't let me modify and reinstall GPL'd components in its Smartcast system?

Right-to-repair software is essential for everyone, even if you don't know how to make the repairs yourself. Once upon a time, we had lots of local vendors that could repair and fix TVs when they broke. That's because TVs were once analog hardware devices that could be taken apart and understood merely by inspection from someone with the sufficient knowledge. TVs today are simply a little computer attached to a large display. As such, the most important part that needs repairs is usually when the software malfunctions, has bugs, or otherwise needs upgrades and changes. The GPL was specifically designed to assure such fixes could be done, and that consumers (or agents those consumers hire on the open market) can make such repairs and changes.

Q: Alright, that makes sense, but I'm happy with Vizio's Smartcast right now. What difference does it make to me if Vizio won't give me the rights under the GPL?

Time and time again, companies stop supporting the software build for the device long before the computer inside the device fails. In other words, these devices are built for planned premature obsolescence.

By refusing to comply with the pro-consumer terms of the GPL, Vizio has the power to disable your TV at any time it wants, over your internet connection, without your knowledge or consent. If Vizio complied with the GPL, all would not be lost in this scenario: volunteers and third-party entities could take GPL'd software as a basis for a replacement for Smartcast. Without these rights, consumers are essentially forced to purchase new devices when they could be repaired.

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Q: Creation of a replacement for Smartcast seems far-fetched to me. After all, most of the software in Smartcast is not actually GPL'd, only a portion of the components and programs are GPL'd. How will Vizio's compliance with the GPL actually lead to an alternative firmware?

Years ago, people said the very same thing about wireless routers, which had only partially GPL'd firmwares. However, thanks to actions to enforce the GPL in the wireless router market, the OpenWrt project was born! That project is now the premiere replacement software for wireless routers from almost every major manufacturer on the market. There is now healthy competition and even occasional cooperation between a hobbyist and community-led firmware project and the wireless router manufacturers. We believe the same can happen for TVs, but the first step is assuring the entire TV market complies with the GPL.

Q: What indications do you have that compliance with the GPL will be a catalyst for alternative firmwares?

Beyond the OpenWrt example, Software Freedom Conservancy sued 14 defendants for GPL violations in 2009, including Samsung for its 2009-era TV models. Thanks to the source release that was achieved through the settlement of that lawsuit, a community-led SamyGo project was created for that era of TVs. ([source](#))

Q: Who is the plaintiff in the lawsuit?

Software Freedom Conservancy is the plaintiff in this case. The organization is filing as a third-party beneficiary, as the purchaser of a product which has copylefted code on it. A consumer of a product such as this has the right to access the source code so that it can be modified, studied, and redistributed (under the appropriate license conditions).

**Quote from Karen M. Sandler, executive director,
Software Freedom Conservancy:**

“We have found that without constant vigilance, compliance is not maintained. We had hoped (and much of our historical rhetoric assumed) that companies ultimately had good intentions. We thought that once they were educated about proper compliance with the GPL, companies would incorporate those practices into their processes. Unfortunately, it has become very clear in recent years that we must repeatedly open compliance matters regarding companies that we've previously educated about compliance issues, and we face serious resistance regarding compliance. We continue to monitor and work on compliance issues of many companies, and now that this lawsuit—which has required significant resources—has been filed, we hope to turn our attention to a wider group of companies who are out of compliance.”

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Q: What makes this different than other GPL compliance lawsuits?

In the past, the plaintiffs have always been copyright holders of the specific GPL code. In this case Software Freedom Conservancy is demonstrating that it's not just the copyright holders, but also the receivers of the licensed code which are entitled to their rights.

Q: What type of case is this? How does it compare to previous litigation by Software Freedom Conservancy regarding the GPL?

Previously, Software Freedom Conservancy filed as a copyright holder in federal court, or coordinated or funded litigation by other copyright holders in copyright cases in the U.S. and Germany. This is an example of how, historically, GPL litigation has focused on the rights of the developers. However, the rights assured by the GPL are actually not intended primarily for the original developers, but rather for people who purchase products that contain GPL'd software. That is what makes this litigation unique and historic in terms of defending consumer rights. It is the first case that focuses on the rights of individual consumers as third-party beneficiaries of the GPL.

Q: Why are you filing a third-party beneficiary claim instead of a copyright claim?

For too long, GPL enforcement has focused only on the rights of developers, who are often not the ones impacted by the technology in question. Some of those same developers even have lucrative jobs working for the various companies that violate the GPL. The GPL was designed to put the rights of hobbyists, individual developers, consumers, small companies, and nonprofit organizations on equal footing with big companies. With the advent of more contributions to GPL'd software coming from for-profit multinational corporations and fewer from individuals, the rights of these other parties are often given second-class billing. The third-party beneficiary claim prioritizes the consumers, who are the users and the most important beneficiaries of the rights under GPL.

third-party beneficiary

A legal term for someone who isn't a direct signatory to a contract, but who specifically is contemplated as having some kind of benefit they are owed by the main parties under that agreement.

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Q: Are you saying the rights of developers under the GPL are not important?

Not at all! Most would agree that individual developers care deeply about the software freedom of users. They are the artists who create the amazing FOSS on which all of us rely. However, as Francis Ford Coppola once said (paraphrased), “to understand who holds the power in any culture, look not to the artists but who employs the artists”—a quote which suits this situation well. Large multinational corporations have co-opted FOSS for their own bottom lines. While many developers privately cheer Software Freedom Conservancy’s efforts and donate money to this cause, they fear the power that their employers exert and have asked Software Freedom Conservancy to fight for the software freedom of users.

Q: Why is this important for the future of developers?

The next generation of developers comes from the users of today. The golden age of FOSS that the industry now enjoys came to fruition from the counterculture created by FOSS activists in the 1990s and early 2000s. During this time, Linux and other GPLd software was considered just a curiosity (and was even accused of being anti-American). Nevertheless, the rights assured by the GPL ultimately led to a new generation of software developers learning how to build Linux and all the amazingly useful FOSS around it. To recruit a diverse group of the next generation of enthusiastic developers, we must ensure that the rights under GPL are available to every single individual, consumer and hobbyist around the globe. That is what this lawsuit is about.

Q: If the goal is to fight for all consumer rights, why not file this lawsuit as a class action?

Forcing consumers to fight for their individual rights is one way that for-profit corporations exert their inappropriate power. Actions such as this lawsuit seek to disrupt this power dynamic by asserting that all consumers of copylefted code deserve the opportunity to know, access and modify the code on their devices. However, expecting all consumers to have to personally participate in that process not only puts an undue burden on them, it simply is not realistic. It is not how change happens. Furthermore, pursuant to “The Principles of Community Oriented GPL Enforcement,” the lawsuit does not prioritize financial remedy over compliance. This lawsuit seeks the most important remedy for the public good: release of the Complete, Corresponding Source (CCS) for all GPLd components on Vizio TVs. Once that is achieved, the benefit is immediately available to not only all who purchased a Vizio TV, but also to the entire FOSS community.

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Q: What are “The Principles of Community Oriented GPL Enforcement”?

In 2016, Software Freedom Conservancy published “The Principles of Community-Oriented GPL Enforcement” in response to those who might use copyleft licenses for their own financial gain. Software Freedom Conservancy is part of a long tradition of using copyleft enforcement as intended: to further the rights and freedoms of individual users, consumers, and developers. Pursuant to those principles, Software Freedom Conservancy never prioritizes financial gain over assuring the rights guaranteed by the GPL are upheld.

Q: Are the court documents released? Does that relate to why the litigation was brought in the U.S.?

Software Freedom Conservancy brought this litigation within the U.S. specifically because litigation in this country is completely public. Historically, Germany has been one of the most popular venues for GPL litigation but it also has a huge downside: the German legal system keeps all details of the cases private and there is little transparency.

Q: Who is funding this lawsuit?

This lawsuit is central to the mission of Software Freedom Conservancy. The organization has received grants from Amateur Radio Digital Communications (ARDC) to support GPL compliance work. As a nonprofit, charitable donations are also an important source of funding to carry out the work. This combined financial support allowed for this litigation to begin. However, continued donor support will be vital since litigation like this is quite expensive.

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Quotes from Karen M. Sandler, executive director, Software Freedom Conservancy:

“Copylefted software empowers consumers to create their own digital destinies with the technology they rely on. This case is about showing that we, as consumers and purchasers of the device, can get access to the complete source code from a company, even if it means having to take them to court and that anyone else can do the same. Once an individual has that software, they can freely distribute it to all. When we receive the complete source code we’ll be sharing it widely and hope that other consumers will participate in exploring that source code to improve our TVs.”

“We appreciate so much the historic work of our colleagues like Harald Welte in Germany. Given that so many GPL violators are based here in the U.S. (including Vizio) and because of the transparency of the U.S. legal system, it makes sense as a venue for this litigation. In particular, we listened to individuals in the FOSS legal community who complained that the Hellwig vs. VMWare case in Germany—which we partially funded—was not transparent. We worked very hard to compel more transparency in the German legal system, but we were simply unable to do so. We heard those complaints and listened to the FOSS legal community and its suggestion that transparent litigation about the GPL was the right way to go.”



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Q: How can someone make a donation?

To make a tax-deductible donation to Software Freedom Conservancy, go to sfconservancy.org/donate. The best way to support this important work is to join as an official Sustainer. Details on that program are available at sfconservancy.org/sustainer.

Q: Why must you file a lawsuit? Isn't there any other way to convince Vizio to comply with the GPL?

Vizio has a long history of violating copyleft. The company has also stopped replying to inquiries from Software Freedom Conservancy. Vizio has been benefiting from the use of an abundance of existing copylefted software, but completely ignores the responsibilities that come with using the licenses. Furthermore, Vizio has already been subject to a large class-action suit that alleged that Vizio was misusing its customers' private information (Vizio settled that class action for \$17 million).

Q: What GPL code has been discovered in Vizio's Smartcast?

Smartcast is a Linux-based operating system. That means that not only do multiple copies of the Linux kernel appear in the firmware, other GPL'd and LGPL'd programs were found, including U-Boot, bash, gawk, tar, glibc, and ffmpeg.

Q: How can I verify Software Freedom Conservancy's technical findings above?

Object code can be found on the TVs and source code/binaries on the filesystem. There are multiple models in which Software Freedom Conservancy can confirm the findings. Go to sfconservancy.org/vizio for details.

Quote from Karen M. Sandler, executive director, Software Freedom Conservancy:

"As is the standard with our compliance work, we tried first to operate through diplomacy but to no avail. As explained in the complaint, we first raised the issue of non-compliance with the GPL in August 2018, and after a year of discussion, Vizio was still refusing to comply. As of January 2020, Vizio simply stopped responding to Software Freedom Conservancy's inquiries about its GPL compliance. By July 2021, the model that we originally complained was non-compliant was discontinued. When we purchased new models, we found that despite our efforts they still had no source code included with the device, nor any offer for source code. People buying these models would never know that there was anything special about the software in these devices, or that they had any rights whatsoever connected with the software on their TVs."

(end Q&A)



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Spokespeople

Karen M. Sandler

Executive Director, Software Freedom Conservancy
Adjunct Lecturer-In-Law, Columbia Law School

Karen M. Sandler is an attorney and the executive director of Software Freedom Conservancy, a 501c3 nonprofit organization focused on ethical technology. As a patient deeply concerned with the technology in her own body, Karen is known as a cyborg lawyer for her advocacy for free software as a life-or-death issue, particularly in relation to the software on medical devices. She co-hosts the audcast, Free as in Freedom.

Prior to joining Software Freedom Conservancy, she was the executive director of the GNOME Foundation. Before that, she was the general counsel of the Software Freedom Law Center, where she was the primary author of “Killed by Code: Software Transparency in Implantable Medical Devices.”

Sandler began her career as a securities lawyer at Clifford Chance and Gibson, Dunn & Crutcher LLP.

She co-organizes Outreachy, the award-winning outreach program for people who face under-representation, systemic bias, or discrimination in tech. She is an adjunct faculty member of Columbia Law School and a visiting scholar at University of California Santa Cruz.

Sandler received her law degree from Columbia Law School where she was a James Kent Scholar and co-founder of the Columbia Science and Technology Law Review. She also holds a bachelor of science in engineering from The Cooper Union for the Advancement of Science and Art.

Sandler has won awards for her work on behalf of software freedom, including the O’Reilly Open Source Award in 2011.

Sandler is available for media interviews as an expert on the following subjects:

- **open source, free software and software freedom**
- **ethical technology and consumer rights related to electronic devices**
- **digital autonomy and open technology**
- **medical device transparency (including first-hand experience as a patient with an implanted device)**
- **legal policy related to the above topics**
- **finance and business topics related to open source and technology in general**





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Spokespeople

Bradley M. Kuhn

Policy Fellow & Hacker-in-Residence, Software Freedom Conservancy
Editor-in-Chief, copyleft.org

Bradley M. Kuhn is the policy fellow and hacker-in-residence at Software Freedom Conservancy, a 501c3 nonprofit organization focused on ethical technology. He was the organization's first staff person in 2011, after being its primary volunteer from 2006-2010.

Prior to that, Kuhn began his nonprofit career with the Free Software Foundation. As executive director from 2001–2005, Kuhn led the organization's GPL enforcement, launched its associate member program and invented the Affero GPL.

With a long history in the software freedom movement, Kuhn also currently serves as editor-in-chief of copyleft.org, writes a blog and co-hosts the audcast, Free as in Freedom. He began his work in 1992 as an early adopter of Linux-based systems and contributor to various free software projects, including Perl. He worked during the 1990s as a system administrator and software developer for various companies, and taught AP computer science at Walnut Hills High School in Cincinnati.

He holds a summa cum laude bachelor of science in computer science from Loyola University in Maryland, and a master of science in computer science from the University of Cincinnati. His master's thesis discussed methods for dynamic interoperability of free software programming languages. Kuhn received the O'Reilly Open Source Award in 2012 in recognition for his lifelong policy work on copyleft licensing.

Kuhn is available for media interviews as an expert on the following subjects:

- **open source, free software and software freedom**
- **consumer rights related to electronic devices**
- **right to repair, particular with regard to software repair**
- **evolution of Linux-based operating systems, particularly in consumer devices**
- **history of free and open source software licensing**
- **nonprofit transparency and organizational structures for open source**
- **policy approaches for digital autonomy and software freedom**





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Quotes from Industry Experts

“At Red Hat, it was clear to us that copyleft licensing, and the GPL in particular, was friendly to businesses and proved strategically important to the success of Red Hat and many other software companies. It allowed us to collaborate with our customers, our partners, and even our competitors, to build better software faster. The GPL allows companies to compete on the things that matter—price, service, support, expertise, and excellence in software and hardware design.

The key benefit of the GPL and LGPL is they use existing well-established terms to enable this collaboration. All participants can use the software and benefit from the efforts of the other users. As with any software license, participants cannot choose which terms of the license they like and which to ignore. If a company doesn't like the idea of collaborating on a piece of software then they should choose software distributed under a license that does not require collaboration.

Any company benefiting from the excellent GPL'd software in Linux-based systems but who refuse to follow the straightforward licensing terms of the software they are using, harms themselves and others in the commercial ecosystem of software collaboration.”

Bob Young
Co-founder and former CEO of Red Hat Inc.

“Free software isn't just a way to make better code—it's a way to make a better world, a defense against lock-in and other forms of commercial abuse that shift value from the public to corporate pockets. Vizio's persistent unwillingness to obey the law and do its duty is an existential threat to the very idea that we can live our lives in ways that enhance our welfare, not some distant shareholder's. Software Freedom Conservancy's lawsuit has the potential to recruit a vast army of defenders for software freedom—and technological self-determination. By establishing that anyone who uses free software is harmed when a company flouts its license, this lawsuit paves the way for an uprising that could encompass the entire human race, save those few greedy sociopaths who dream of eradicating every commons and replacing it with a gate and a ticket window.”

Cory Doctorow
Science fiction author, activist and journalist
Special consultant to the
Electronic Frontier Foundation (EFF)
craphound.com

“I'd long wondered why GPL enforcement took the route of needing the involvement of a copyright holder. The real power of the GPL comes from the ability of the end user to ask for the source code so they can continue to improve on the work and share it with others.”

Kees Cook
Linux kernel maintainer



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Quotes from Industry Experts

“If you can’t fix your TV, you don’t actually own it. Consumers should be able to upgrade or replace all the complex software that Vizio is bundling into their new TVs.”

“Vizio’s smart TVs are a trap! Consumers should be able to fix the complex software that Vizio is bundling into their new TVs. Especially since smart TVs spy on what you watch and their outdated software creates security vulnerabilities on your network.”

Kyle Wiens
CEO
iFixit

“I cannot emphasize enough how important this case is to efforts for digital autonomy and software freedom. For decades we have been using free and open source software licenses to protect the rights we are all entitled to. However, licensing and other efforts to defend our digital rights are only as powerful as our ability to enforce them and so long as there are consequences for violating them. Through filing a case against Vizio, by standing up to this large, intimidating company, Software Freedom Conservancy is taking an invaluable stand in the ongoing efforts to make sure everyone is respected by their technology.”

M. de Blanc
co-author, “Declaration of Digital Autonomy”
former OpenSource Initiative president

“It’s not just a bunch of early adopters with smart home gadgets anymore. During the pandemic we saw the importance of adopting telemedicine, telework and tele-learning. As we move towards a more ‘tele-everything’ world, we need to guard that the principles of the Open Source Definition are respected. If a company decides to take millions of lines of open source code contributed by thousands of developers, paid and volunteers, then they should not abuse the licensing terms. It’s unethical. This lawsuit has the potential to empower many consumers, radically changing the landscape of consumer technology.”

Stefano Maffulli
Executive Director
OpenSource Initiative

“By reusing existing copyleft components, companies can efficiently build amazing electronic devices. That is great and benefits everyone. But when they do, customers should demand that companies share their software improvements with society. It is only the long-term accessibility of all the software shipped within electronic devices that empowers customers to both verify that their devices are not doing something nefarious (such as spying) and to repair them (including security vulnerabilities) past the end of shelf life.”

Stefano Zacchioli
full professor of computer science at Polytechnic Institute of Paris, France
and co-founder of the Software Heritage Initiative



PRESS KIT

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Glossary of Terms

Supplement to Oct. 19, 2021 press release:
*Software Freedom Conservancy files lawsuit against
Silicon Valley TV manufacturer Vizio Inc. for GPL violations*

(Defined in relation to the work of Software Freedom Conservancy)

auditability

Ability to inspect the exact software running on a device. This includes version information, modifications and licensing information.

Bash

A very common utility for Linux-based systems. Bash was originally released under the General Public License version 2 (GPLv2), but newer versions of Bash are under version 3 (GPLv3). Descendants of both versions are utilized in the industry.

Complete Corresponding Source (CCS)

Informally, CCS is all of the technical materials and source code required to modify, run, and/or reinstall the software. The GPL and LGPL have a formal definitions for CCS, which is sometimes called “Corresponding Source.”

copyleft / copyleft licensing

A kind of software licensing that leverages the restrictions of copyright, but with the intent to promote sharing (using copyright licensing to freely use and repair software). Software programs are copylefted when they utilize software with a copyleft license. These copyleft licenses are unique in that they seek to put large corporations, small companies, consumers, and hobbyists all on equal footing. The intention is for this to be achieved by granting everyone the exact same rights, permissions, and privileges to modify, improve, and/or include the software in their products.

copyleft compliance

When companies utilize copylefted software, they thereby agree to the terms associated with its use. By utilizing copylefted software when designing products, companies agreed to these terms, and so have both contractual and copyright obligations to take certain actions to ensure others have the same rights they did with regard to the software. When rights are respected, the sharing of software under copyleft licensing is a mutually beneficial approach, but many companies are not holding up their side of the bargain. A company is in compliance when it ensures that all of its customers have the same rights, permission, and ability that it has to improve that software and install their improvements onto a device. The best way a company can demonstrate its intent to be in full compliance is by creating a vibrant third-party marketplace for improved software.

end user

An end user is someone who winds up using the software. In the case of TVs, an end user is simply the person who uses the TV. (See also *third-party beneficiaries of the GPL*)



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ethical technology

Technology that serves its users, rather than the corporations who profit from it. Ethical technology preserves and promotes the rights of those impacted by it.

FOSS

Acronym for free and open source software (FOSS). *See software freedom.*

FOSS commons

The Digital Library of the Commons defines “commons” as “a general term for shared resources in which each stakeholder has an equal interest”. The FOSS commons refers to a commons for free and open source software (FOSS). *See also software freedom.*

firmware

Software on embedded devices that is written for the purpose of operating the specific hardware of that device.

General Public License (GPL)

A copyleft license that ensures end users the freedom to run, study, share, and modify the software. Often referred to as “the GPL.” Also known as GNU General Public License (GPL).

GNU tar

A copylefted program for storing large groups of files inside another file. Incredibly common and used ubiquitously.

GPL'd software

Software that has been released under the terms of the GPL.

Linux kernel

A kernel is the heart of an operating system, which all computerized devices, like smart TVs, require in order to function. The Linux kernel is one of the most popular operating system kernels.

right-to-repair software

The ability to repair the software on your device in the same way you can repair the physical aspects of your tools. Software Freedom Conservancy asserts that this right is overlooked and needs additional legal protections (as the FTC has agreed with) to protect consumers. Software Freedom Conservancy focuses specifically on the right to software repair; other great organizations like the [Repair Association](#) focus on the right to hardware repair. The two rights go hand-in-hand in our modern world where nearly all electronic devices also have small computers inside them.



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SamyGo project

A software project designed to improve the functionality of the software on Samsung TVs.

software (vs hardware)

An analogy is that ingredients and tools for cooking are hardware and the recipe is software. Both the physical components (computers, phones, TVs) and the ideas (software, programs, algorithms) are necessary.

software-based electronics devices

Devices like pacemakers have all the necessary hardware to beat your heart, but need the software to do it safely in a way that makes it useful. More and more devices are defined by their software, rather than the hardware (sensors, motors, radio, etc).

software freedom

The freedom of a user to run, study, (re)distribute, and (re)install (modified) versions of a piece of software. More generally, it is the idea that we are entitled to rights when using software and there should be equal protections for privacy and redistribution. The rights should treat everyone equally—big businesses and individual consumers and users alike.

source code

The human readable code written by people that gets turned into binary code that only a computer can understand.

specific performance

Fulfilling the requirements of a contract in exactly the way the contract specifies. When most contracts are disputed in court, the plaintiff expects to receive money, that they can use to remedy the harm that the other party caused them in not holding up their side of the deal. When a plaintiff seeks specific performance, they want something that money can't replace.

third-party beneficiaries of the GPL

People who aren't a party to a GPL agreement, but who would benefit from the contract if the parties to the GPL do as they promise under the agreement. An example of such a benefit might be the receipt of the source code of the GPL'd software. See also *General Public License (GPL)*.

(end glossary)