

The GPLv3 TPM and anti-lockdown clauses

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Sections 1 (Source code) and 6 (Conveying non-source forms)

Section 3 (Protecting Users' Legal Rights From Anti-Circumvention Law)

Deal respectively with technical barriers and legal barriers to modification

The most debated provisions of the original

3. Protecting Users' Legal Rights From Anti-Circumvention Law.

No covered work shall be deemed part of an effective technological measure under any applicable law fulfilling obligations under article 11 of the WIPO copyright treaty adopted on 20 December 1996, or similar laws prohibiting or restricting circumvention of such measures.

When you convey a covered work, you waive any legal power to forbid circumvention of technological measures to the extent such circumvention is effected by exercising rights under this License with respect to the covered work, and you disclaim any intention to limit operation or modification of the work as a means of enforcing, against the work's users, your or third parties' legal rights to forbid circumvention of technological measures.

Technological measures shall be deemed "effective" where the use of a protected work or other subject-matter is controlled by the rightholders through... (2001/29/CE art. 6.3)

What does it tell:

- to software developers and licensors?
- to users?,
- to content right holders?
- to judges?

Do I have to share my keys?

The great Tivoization debate

An answer to a precise problem

uncovers uncharted territory

Search for a solution by exploration

using a zoo of examples

... resulting in a complex dividing line

Keys to the solution

- Expliciting it to be a "conveying non-source" issue
- Distinction between "source code" and "installation information"
- A special case for "user products" = "consumer product" or "designed for or sold for incorporation in a dwelling", or anything for which you have a doubt on whether it is a consumer product or not

A “User Product” is either (1) a “consumer product”, which means any tangible personal property which is normally used for personal, family, or household purposes, or (2) anything designed or sold for incorporation into a dwelling. In determining whether a product is a consumer product, doubtful cases shall be resolved in favor of coverage. For a particular product received by a particular user, “normally used” refers to a typical or common use of that class of product, regardless of the status of the particular user or of the way in which the particular user actually uses, or expects or is expected to use, the product. A product is a consumer product regardless of whether the product has substantial commercial, industrial or non-consumer uses, unless such uses represent the only significant mode of use of the product.

“Installation Information” for a User Product means any methods, procedures, authorization keys, or other information required to install and execute modified versions of a covered work in that User Product from a modified version of its Corresponding Source. The information must suffice to ensure that the continued functioning of the modified object code is in no case prevented or interfered with solely because modification has been made.

If you convey an object code work under this section in, or with, or specifically for use in, a User Product, and the conveying occurs as part of a transaction in which the right of possession and use of the User Product is transferred to the recipient in perpetuity or for a fixed term (regardless of how the transaction is characterized), the Corresponding Source conveyed under this section must be accompanied by the Installation Information. But this requirement does not apply if neither you nor any third party retains the ability to install modified object code on the User Product (for example, the work has been installed in ROM).

The requirement to provide Installation Information does not include a requirement to continue to provide support service, warranty, or updates for a work that has been modified or installed by the recipient, or for the User Product in which it has been modified or installed. Access to a network may be denied when the modification itself materially and adversely affects the operation of the network or violates the rules and protocols for communication across the network.