

---

---

## **Qualitative Interviews:**



### ***“The next Generation of standardized Contributor Agreements?”***

*June 2013 – August 2013*

---

---

#### **Motivation**

ContributorAgreements.org was established by a small team of highly specialized IP and IT experts who would like to re-institute discussions about contributor agreements as part of a more comprehensive Global Intellectual Property reform.

#### **Background**

In recent years many open collaborative projects incorporated under the auspices of not-for-profit organizations. At the same time corporations began to release protected code under open source licenses to harness the wisdom of the crowds.

Many of these undertakings decided to introduce contributor agreements as a means of structuring the intellectual property rights between their contributors and the respective organizational entity. By signing a contributor agreement contributors entrust project owners with the copyright of their respective contributions, these being source code, artwork, documentation or translations.

However, contributor agreements are often perceived as a double-edged-sword: On the one hand they can be used for the successful management and legal enforcement of the respective licensing terms, but on the other hand, they can defeat some of the most important aspects of the original idea of “free software” when they are being used by commercially operating companies, because they create a “free for some but not for all” environment.

#### **Harmony Agreements – First attempt to put an end to CA proliferation**

With an ever increasing number of projects adopting their own specific contributor agreements, the Harmony Project took it upon itself to develop a first set of standardized contributor agreements called [Harmony agreements](#). Projects and contributors could create a tailor-made contributor agreement according to their own specific needs and circumstances, press a print button, sign the document and dispatch it.

## **ContributorAgreements.org: The next generation of standardized Contributor Agreements?**

We followed the launch of the [Harmony agreements](#) with interest, but decided first to focus on some high level legal and policy questions before moving on and working on a new version of standardized contributor agreements.

Most of these questions have been addressed by our team of experts paving the way for standardized contributor agreements that are fit for the 21<sup>st</sup> century. All results will be published for comments and input within the coming weeks.<sup>[1]</sup>

However, in addition to these discussions, we would like to get a better understanding of real-life questions and concerns from all parties involved and decided to conduct a series of interviews on the general question of best practice concerning governance structures within FOSS projects. Our hope is that through these interviews, we will not only be able to learn from individual developers, authors, projects and companies, but also to provide a basis for a more "issue-oriented" discussion on the legal and policy questions.

Some of the questions, we would like to address are thus:

- **What motivates contributors and project owners?**
- **What role does the Intellectual Property Law framework play in the realization of their individual goals?**
- **Can the current Intellectual Property Law framework foster innovation, and if so, how?**

Given the increasing risk brought about by patent-trolls and companies that notoriously ignore free and open source licensing terms, we believe that contributor agreements could be used to protect both projects and developers.

Hence...

**-For which kind of community might contributor agreements be beneficial?**

**-How would contributor agreements have to be framed to create an equal balance between the parties and foster creativity and innovation?**

We would like to conduct interviews with projects [like yours](#) to find the right legal dosage that will foster and ensure continuing open collaboration.

If you would like to know more about our project or are interested in taking part, I would love to hear from you:

**Sylvia F. Jakob, LL.M. (Edinburgh)**

**Institute for Legal Informatics  
Leibniz Universität Hannover  
Königsworther Platz 1  
30167 Hannover**

**Telephone: +49-511/762-19845  
Telefax: +49-511/762-8290  
[jakob@iri.uni-hannover.de](mailto:jakob@iri.uni-hannover.de)**