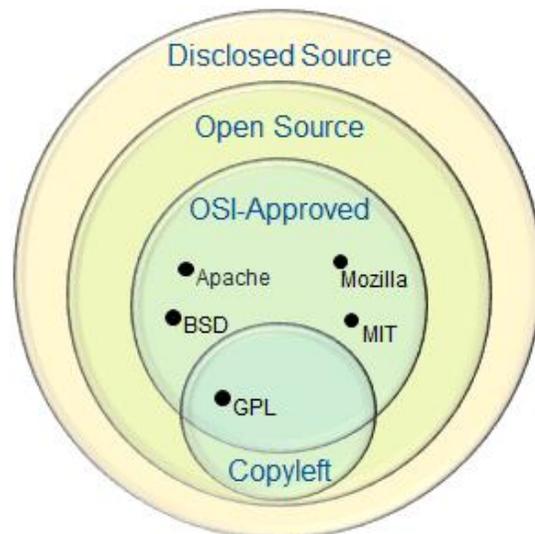


4.0 Licensing

As is generally understood, all software is subject to copyright law. Copyright is a declaration of exclusive legal rights by the IP owner and the terms and conditions under which others may copy, modify and/or distribute the original IP. Through a “license,” copyright holders can permit other people to use, copy, modify and/or distribute their software and the scope of that license may be varied depending on the circumstances under which it is provided and its intended use and purpose.

The Elections Code authorizes the use of Disclosed Source software in the development of voting systems in California. Though the Elections Code provides no definition of “Disclosed Source,” it is understood to refer to source code made available for review and/or testing upon request by an authorized entity / individual, but does not permit the source code to be used operationally by other entities unless additionally and explicitly licensed by the owner of the code.



The County intends to retain the IP ownership rights of the VSAP Solution, with the exception of IP created for certain component hardware, such as the thermal printers. This intention of IP ownership is not made to enter the market as a vendor, but to ensure public ownership of the rights to manage the use and transparency of the voting systems developed to ensure public trust and protect public interest in this important component of the democratic process. At present, the County subscribes to the following guiding principles regarding the IP of the VSAP Solution:

1. The County owns the design of hardware and software, and it owns all of the source code developed or to be developed by way of the VSAP Solicitation for the VSAP Solution.
2. The County wants other jurisdictions to benefit from the VSAP Solution.
3. The County does not currently intend to be a vendor or a reseller of the VSAP Solution (without ruling out some options for cost recovery, e.g., royalties).
4. The County strongly prefers a capability to comply with open source software standards so that code can, at a future time, be shared in such a manner that the County can benefit back from improvements made to the VSAP Solution by others.

Accordingly, the County is considering several different open source license options under which to make the VSAP Solution software available for use by other jurisdictions and entities. Whatever license the County chooses to use, the transparency of the technology, and ability to share the IP and receive benefits of reciprocity, would need to be ensured. The County is also considering how an independent non-profit organization could serve as the repository, administrator and license holder of the resulting VSAP IP, recognizing that examples of successful open source technology solutions have had strong communities of users and developers that were supported by sound institutional structures and resources.