

FREE SOFTWARE DISTRIBUTION AND INDIAN LAW

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Laws Applicable to Software Distributors

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- Product Liability

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- Same Laws apply to distribution of Free and Non-free software.
- Free Software uses known concepts in existing laws to grant back to users their freedoms.

Indian Copyright Law

What is a License?

Section 30, Copyright Act:–

<quote>

The owner of the copyright in any existing work or the prospective owner of the copyright in any future work may **grant any interest in the right by licence in writing signed by him or by his duly authorised agent ...**

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- (breach of) contract
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- tortious liability

Avoiding Product Liability

- No privity of contract
- No consideration – (free of cost)
- No duty to take care
- No knowledge of possible hazard

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- Since license is a grant by the copyright holder the software provider “does not know the end-user”

Q.E.D

Free / Libre / OSS licenses provide ideal situation for avoidance of product liability for software distributors

End

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