

OpenChain KWG 12차 모임

분쟁 사례 소개

- Stockfish v. ChessBase
 - SFC v. Vizio

2021. 12. 20

LG전자 박원재 선임연구원

Stockfish v. ChessBase

Stockfish v. ChessBase

□ 원고 및 피고

- 원고 : Stockfish 개발자들
- 피고 : ChessBase GmbH

□ 장소 및 시기

- 장소 : 독일
- 시기 : 2021 ~

Stockfish

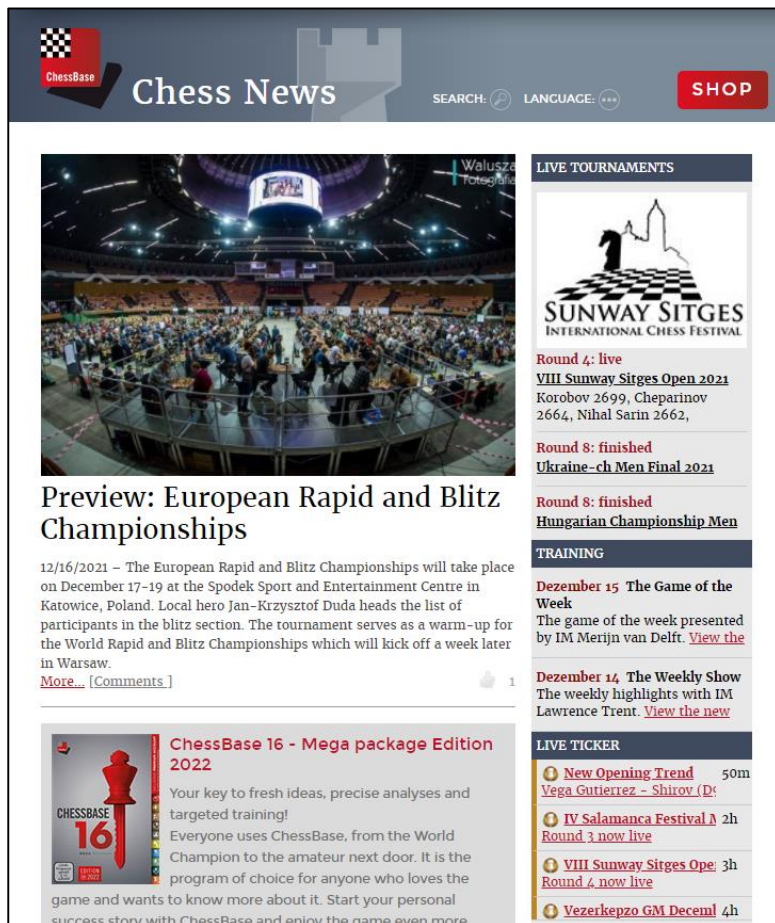
□ Stockfish

- Glaurung Engine을 기반으로 개발된 Chess Engine. (참고 : <https://github.com/official-stockfish/Stockfish>)
- 2008년 최초 공개되었으며, License는 GPL-3.0.
- 이후, Stockfish community에 의해 지속적으로 개발되었으며, 2019년 ~ 2020년 Neural Network 기술 (Stockfish NNUE)의 도입으로 Stockfish의 Playing Strength가 비약적으로 발전.

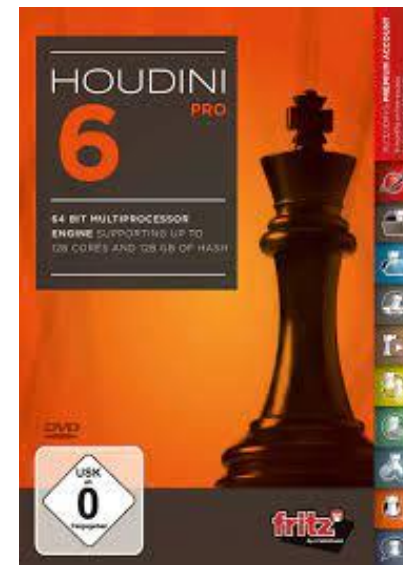
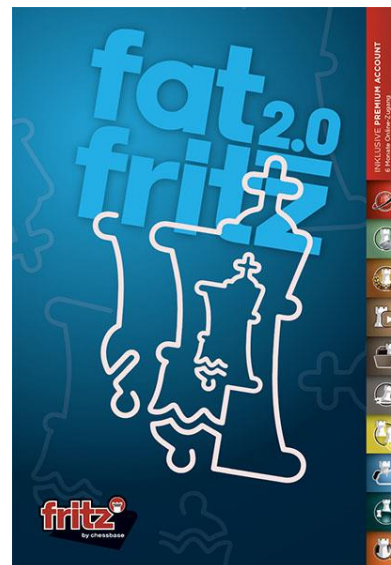


❑ ChessBase

- 독일 기업으로, 1990년대부터 Junior, HIARCS, Rybka, Houdini, Fritz, Fat Fritz 등 수 많은 체스 소프트웨어 개발/판매.



The screenshot shows the ChessBase website interface. At the top, there is a navigation bar with the ChessBase logo, the text "Chess News", a search bar, a language selector, and a "SHOP" button. The main content area features a large photograph of a chess tournament in progress, with many players seated at tables in a large hall. Below the photo is the article title "Preview: European Rapid and Blitz Championships" and a short introductory paragraph. To the right of the article is a sidebar with "LIVE TOURNAMENTS" and "TRAINING" sections, listing various chess events and their current status. At the bottom left, there is a promotional banner for "ChessBase 16 - Mega package Edition 2022".

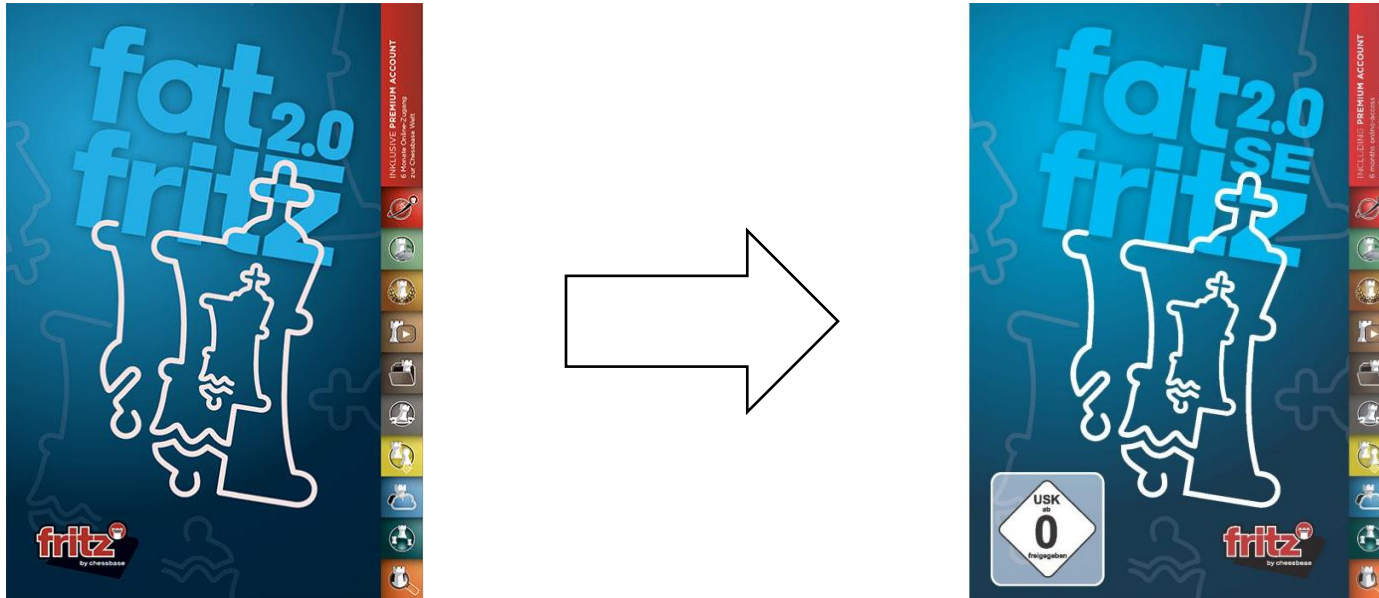


개요

- ❑ Fat Fritz는 Neural Network 기술이 사용되었으며, Fat Fritz 2 (2021년 2월 9일 배포) 에서는 Stockfish (Stockfish NNUE)가 사용됨.
- ❑ Houdini는 Closed Source Software이나, Houdini 6의 Source Code를 입수한 익명의 제보자에 의해 Houdini 5 (2016년 11월 9일 Release)와 Houdini 6 (2017년 9월 17일 Release)가 Stockfish의 파생 저작물임이 알려짐.
- ❑ Stockfish 커뮤니티의 요구에 따라 ChessBase는 Fat Fritz 2 DVD와 Houdini 6 판매를 중단함.

개요

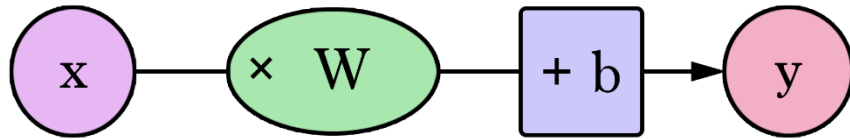
- 이후, ChessBase는 Fat Fritz 2 SE를 판매하고, Source Code를 공개하고 있으나, Neural Network의 Weight를 공개하지 않아 논란이 됨.



- Stockfish 커뮤니티는 반복적인 License 위반을 이유로 ChessBase의 Stockfish GPL-3.0 License 종료를 선언했으나, ChessBase는 이와 무관하게 제품 판매를 지속함.
 - 이후, Stockfish community는 ChessBase를 상대로 독일의 법원에 고소. (2021년 7월 20일)

쟁점

1. GPL-3.0인 Neural Network에서의 Weight 값이 파생저작물 범주에 포함되는가?



input weight bias output

Source : <https://deepai.org/machine-learning-glossary-and-terms/weight-artificial-neural-network>

“The GPL does not speak specifically to the treatment of ML models created for GPL code. The challenge to interpreting GPL for ML applications is that neural network weights exist at the intersection of code and data.

Source : <https://fossa.com/blog/stockfish-vs-chessbase-gpl-v3/> (Heather Meeker)

2. Licensor가 License의 GPL-3.0 License를 일방적으로 종료할 수 있는가?

- 만약 법원에서 Weight가 파생저작물 범주에 포함되지 않는다고 판단, 즉, Fat Fritz 2.0 SE를 배포하는 현 시점에 ChessBase가 Compliant 하다고 판단할 경우.

8. Termination.

You may not propagate or modify a covered work except as expressly provided under this License. Any attempt otherwise to propagate or modify it is void, and will automatically terminate your rights under this License (including any patent licenses granted under the third paragraph of section 11).

However, if you cease all violation of this License, then your license from a particular copyright holder is reinstated (a) provisionally, unless and until the copyright holder explicitly and finally terminates your license, and (b) permanently, if the copyright holder fails to notify you of the violation by some reasonable means prior to 60 days after the cessation.

Moreover, your license from a particular copyright holder is reinstated permanently if the copyright holder notifies you of the violation by some reasonable means, this is the first time you have received notice of violation of this License (for any work) from that copyright holder, and you cure the violation prior to 30 days after your receipt of the notice.

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SFC v. Vizio

SFC v. Vizio

□ 원고 및 피고

- 원고 : Software Freedom Conservancy, Inc.
- 피고 : Vizio, Inc.

□ 장소 및 시기

- 장소 : 미국(캘리포니아)
- 시기 : 2021 ~

Software Freedom Conservancy

- ❑ Software Freedom Conservancy (SFC)
 - Open Source Project들에 법률 서비스를 제공하기 위한 비영리 단체.

The screenshot shows the Software Freedom Conservancy website. At the top left is the logo, a green tree with nodes, and the text "software freedom conservancy". To the right are buttons for "DONATE", "JOIN", and "VIZIO" (circled in red), followed by a search icon. Below the navigation bar is a green banner with the text "Until January 15, the next \$109,912 of support we receive will be matched!". A progress bar below this shows "\$49,279 matched!" in a dark green segment and "\$109,912 to go!" in a light green segment. The main content area has two columns. The left column contains a paragraph about the organization's mission and a "Learn more" link. The right column features a "VIZIO LAWSUIT" article with a "MORE INFORMATION" button. Below these are two more article teasers: "SOFTWARE FREEDOM CONSERVANCY'S DMCA EXEMPTION REQUESTS GRANTED" and "TERM OF THE WEEK Complete Corresponding Source (CCS)".

software freedom conservancy

DONATE JOIN VIZIO

HOME WHAT WE DO WHO WE ARE LEARN NEWS

Until January 15, the next \$109,912 of support we receive will be matched!

\$49,279 matched! \$109,912 to go!

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). [Learn more.](#)

VIZIO LAWSUIT

Software Freedom Conservancy files right-to-repair lawsuit against California TV manufacturer Vizio Inc. for alleged GPL violations

[MORE INFORMATION](#)

SOFTWARE FREEDOM CONSERVANCY'S DMCA EXEMPTION REQUESTS GRANTED

Software Freedom Conservancy recently announced that its efforts to stand up for the rights of FOSS developers have been successful and that it has been granted almost all of the exemptions that it requested in the Librarian of Congress' recent rule making. [Read more...](#)

TERM OF THE WEEK

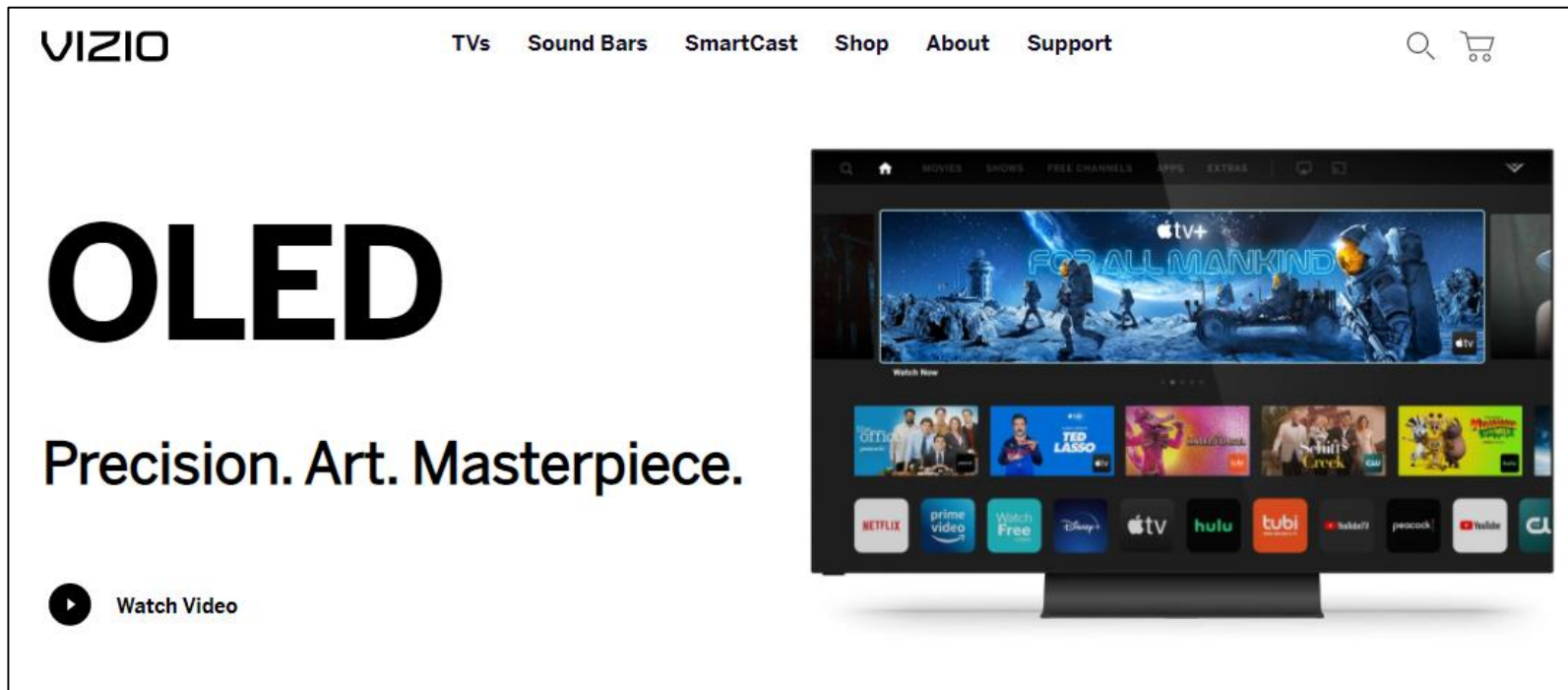
Complete Corresponding Source (CCS)

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

Vizio

□ Vizio

- 캘리포니아에 본사를 둔 전자기기 제조 회사.



The image shows a screenshot of the Vizio website. At the top left is the VIZIO logo. To its right are navigation links: TVs, Sound Bars, SmartCast, Shop, About, and Support. Further right are search and shopping cart icons. The main content area features a large 'OLED' headline and the tagline 'Precision. Art. Masterpiece.' Below this is a 'Watch Video' button with a play icon. On the right side, a large image of a Vizio TV is shown. The TV screen displays the Apple TV+ interface with a 'FOR ALL MANKIND' banner and a row of content tiles including 'Ted Lasso', 'Schitt's Creek', and 'Masters of Sex'. At the bottom of the TV screen is a row of streaming service logos: Netflix, Prime Video, Watch Free, Disney+, Apple TV, Hulu, Tubi, YouTube TV, and YouTube.

개요

- Vizio는 SmartCast 라는 자체 OS/Platform 을 바탕으로 TV를 제조/판매.
(<https://www.vizio.com/en/smartcast>)
- SFC는 Vizio가 GPL 및 LGPL의 Source Code 제공 혹은 Written Offer 제공에 대한 의무 사항을 이행하지 않는다는 Report를 받음.
- SFC는 Vizio의 CTO 및 법무팀에 Source Code 제공 의무 이행이 이루어지지 않고 있음을 알리는 서한 발송. (2018.08)

개요

- 이후 2018년 ~ 2020년 여러 차례에 걸쳐 Vizio가 Source Code를 제공하였으나 Compile 가능한 형태가 아니었고, SFC는 지속적으로 보완을 요구함.
- 2020년 1월 이후 Vizio와 커뮤니케이션이 단절되어 SFC는 6차례의 메일을 Vizio 측에 발송하였으나 회신받지 못함.
- 2021년, SFC는 BestBuy, Target 등 여러 유통 채널을 통해 Vizio의 제품을 구매, 분석하였으나 여전히 Source Code 혹은 Written Offer가 제공되지 않았음을 확인.
- 2021년 10월 19일, SFC는 계약 위반에 대한 선언적 판결을 요청하는 소송을 제기.

커뮤니티 / 미디어의 반응


News from
Monthly Interview Legal Insight
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SOFTWARE FREEDOM VIZIO OVER SOURCE

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Red Hat, Mozilla, and Google.

REUTERS® World Business Legal Markets Breakingviews Technology

October 21, 2021
1:06 AM KST
Last Updated 2 months ago


Intellectual Property

Vizio sued by nonprofit to share code for open-source software

2 minute read

By Blake Brittain

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Newsletters Blogs More Edition: AS

the hot tech skills employers are looking for

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LG전자

LG전자 공식 토탈서비스

간절히 이루고 싶은 꿈
선택하면 꿈꾸며 '산다'
클로스가 LG 모니터를
들고 찾아간다네

12월 한정, 신규 가입 혜택
LG가전과 공의 선물을 드립니다!

주목 받는 이유

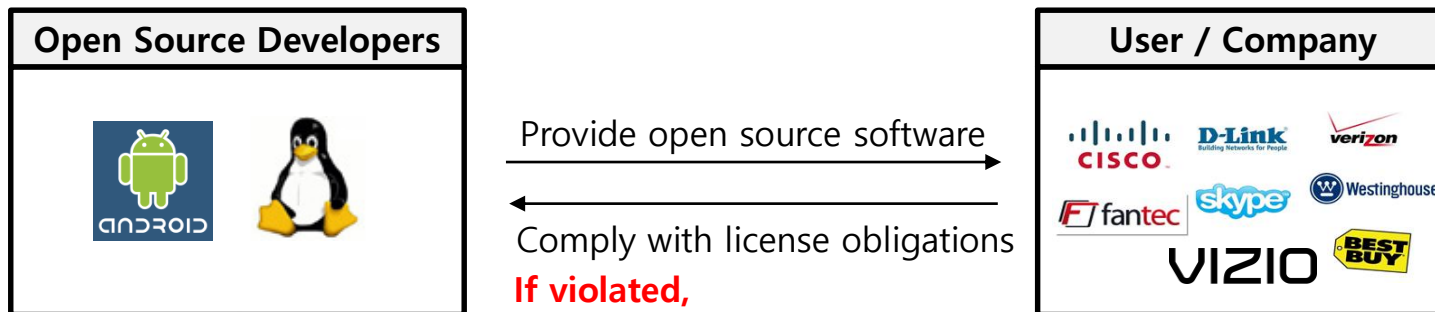
1. 북미 시장에서 Vizio의 높은 인지도



Source : <https://www.newswire.ca>

2. 소송 원고

주목 받는 이유



Violation Report

~~저작권 양도 / 소송 대리~~

직접 Legal Claim 제기하는 경우도 발생

- 소송 제기
- 제품 판매 정지
- 손해 배상 및 이익 배분

Open Source 관련 기관

- Open Source 저작권자를 대신하여 소송을 제기하는 비영리 단체



주목 받는 이유



The screenshot shows the Software Freedom Conservancy website. At the top left is the logo, which consists of a green tree with a network of white nodes. To the right of the logo is the text "software freedom conservancy". A dark green navigation bar contains the links "HOME", "WHAT WE DO", "WHO WE ARE", and "LEARN". Below the navigation bar is a fundraising progress bar with a green segment on the left and a white segment on the right. The green segment is labeled "\$49,279 matched!" and the white segment is labeled "\$109,912 to go!". Below the progress bar is a news article headline: "Software Freedom Conservancy files right-to-repair lawsuit against California TV manufacturer Vizio Inc. for alleged GPL violations". Below the headline is a sub-headline: "Litigation is historic in nature due to its focus on consumer rights, filing as third-party beneficiary". Below the sub-headline is the text "FOR IMMEDIATE RELEASE". Below that is the main text of the article, which starts with "IRVINE, Calif. (Oct. 19, 2021) Software Freedom Conservancy announced today it has filed a lawsuit against Vizio Inc. for what it calls repeated failures to fulfill even the basic requirements of the General Public License (GPL)."

- SFC가 저작권자로부터 위임을 받아 고소한 것이 아니라, 소비자로서 고소.

