

EUPL

Expert participation to the translation review

Conditions

Summary:

The European Commission

- *Has presented the new EUPL free/open source software licence that will obtain legal value in all official languages of the European Union*
- *Facilitates the setting up of a “EUPL Experts group” to revise each translation in their language. Experts will be invited to a first “EUPL Conference” in Brussels at the end of 2007.*

Responsible of the OSOR project (Open Source Observatory and Repository), and hereinafter referred to as the "coordinator", Unisys Belgium contacts experts in the relevant Member States and proposes them to be part of this group.

Introduction to EUPL

On 9 January 2007, after two years of studies and preparation¹, the European Commission has approved the EUPL (European Union Public Licence), a « Free / Open Source » software licence. This licence will now be made available for all Member States. The first beneficiaries should be public administrations (at national, regional, municipality level, public services or universities) when deciding to distribute and to mutually share their software under a Free or Open Source licence².

Why a new EUPL software licence is needed when about 100 open source, often not compatible, licence models exist?

There are several reasons that render EUPL a unique instrument:

- For the first time, a public administration of the size of the European Commission publishes (by an official decision of the European Commission College) an open source licence to use it in order to distribute some of its own software. Without generating any obligation, this should and will be an exemplar for other organisations in Europe.
- For the first time, the licence text will have « original » value in all 23 official languages of the European Union. This is a unique acknowledgement of the linguistic diversity of Europe. The majority of other licence texts produced in North America consider translation as informative only, without a binding value.

¹ These studies are published on the European Commission's IDABC Web Site:
<http://ec.europa.eu/idabc/en/document/6523>

² In general, this means that the licence is compliant with the 10 principles of the Open Source Definition: <http://www.opensource.org/docs/definition.php>

- For the first time, the text has been and will be analysed taking into consideration the Law of multiple Member States and the European Law. This, concerns the specific copyright terminology and the provisions related to information, warranty or liability exclusion respecting consumer's rights. This is also related to applicable law and competent court, as the EUPL guiding principle is based on trust towards Member States' parliaments and judges without restrictions or exceptions.
- Last, an open source licence was rarely written with such an open mind, allowing developers to reduce the existing incompatibility barriers between the various « copyleft » licences. The EUPL communicates a list of compatible licences and authorises the re-distribution of derivated works under the compatible licence of the « added component »: GPL V2, Cecill V2.0, OSL V2.1 or 3.0, Common Public Licence V 1.0, Eclipse Public Licence V 1.0. Should the licensee's obligations under the compatible licence conflict with EUPL's obligations, the obligations of the Compatible Licence shall prevail. If other similar licences could be inspired by this open mind, the « free licence conflicts » and resulting incompatibilities would rapidly end.

The Translation of the EUPL

The text of the EUPL is short consisting of 15 articles. For the time being, it is already translated and officially approved by the European Commission in English, French and German.

Translation drafts have been written by the European Commission's translators in the following other languages: Bulgarian, Czech, Danish, Dutch, Estonian, Finnish, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, and Swedish.

The revision, correction and commenting on these drafts on the basis of the three already approved versions remains to be done (The English version will be used as main reference).

The European Commission has appointed a contractual partner (see hereafter "Coordinator") to ensure the quality control of the revision and contact active and experienced lawyers in intellectual property rights in the relevant Member States (hereafter, the "experts") .

These persons could be in the future motivated to become EUPL experts or "contact points": a scientific reference concerning EUPL, for example for analysing it with students or for answering consultancy requests from their national administrations.

The Process:

1. Through the project Coordinator, two experts per relevant country will be contacted. The Coordinator will put the experts in contact each other, in order that they come to common conclusions.
2. The experts will receive by e-mail:
 - The three already approved versions of EUPL (EN, FR, and DE). One of these versions (EN) is the original reference version for all translations.
 - A translation in their language (draft written by the European Commission services) – version 0.1.
3. The two experts will answer with a revised version. The purpose should be that this updated version should remain as close as possible to the original reference version (EN) and therefore it is important to avoid any non imperative innovation. Indeed, to provide the same meaning and value in all languages, possible corrections, if any, should be limited to style or to the selection of the most appropriate terminology.

All modifications will be tracked electronically in “Edit changes” (if Open Office is used for editing) or in “Track changes” (if MS Word is used)

- For any modification, the introduction of a comment is mandatory. Written in English, this comment will be ::
 1. “**1. Formal / presentation correction**” (for example addition of punctuation, accents, correction of spelling) ;
 2. “**2. Terminology**” (replacing a term by another, when appropriate. For example, in the English version the term “physical person” was once replaced by “natural person”) ;
 3. “**3. Content: xxx**” (justification for a more substantial change to the submitted version).
 4. “**4. Comment: yyy**” (a legal comment if appropriate or useful) these comments will be collected and presented (author name and content) in a global report that will be published at the occasion of the EUPL conference at the end of 2007

Modifications 1 & 2 do not need any other justification.

For modification type 3 only, a comprehensive justification “**xxx**” must be provided, in English, in the introduced comment.

Modifications 1, 2 & 3 must be “common” to the two experts (in each relevant country)

Comments of type 4 would be interesting for documenting the global report. Comments of type 4 are “personal” to the author (they may, but do not need to be shared by the two experts).

The « Ideal » revision should preferably not propose any « type 3 » correction and introduce only, if necessary, type 1 / 2 improvements and type 4 comments.

4. After the revision by the two experts, the translated version 0.2 will be reviewed once again by the Coordinator team and by the Commission. If a correction or a comment requires additional explanations, there will be a discussion with the expert.
5. In case of agreement with on a final version (V 0.*n*), the Commission – subject to its prior agreement - will publish this version with reference V 1.0 while mentioning (in a linked study or list) that the version was first revised by the experts. If no agreement is possible, the Commission will keep the right to consult another expert. In all circumstances, the European Commission will stay the sole « responsible author » of the EUPL text. The expert contribution will have a complementary value (legal theory / writing of jurist) without producing for him/her any liability regarding the EUPL text or its application.

Conditions of cooperation

After agreement on a final EUPL version in his/her language:

- The expert will be invited by the European Commission to participate to a EUPL conference (currently planned at the end of November 2007 in the European Commission premises) For participating to the conference, the European Commission will reimburse the expert with direct travel costs (airfare economy class or first class train). In addition, the Commission will reimburse one day of “subsistence allowance” (a lump sum of about EUR 200).
- The expert participation (name, address), type 4 comments, and contribution (if any) to the conference will be published on the European Commission IDABC Web Site.
- The expert will receive a lump sum of EUR 500 from the Coordinator to cover his/her other costs.
- For the remaining, the work of the expert is agreed to be voluntary and free of charges.

Timing

Contacts with experts and initiation of the revision	Between 12 and 25 June 2007
Transmission of revised version and comments	Prior to end of July 2007
Discussion	Until the end of October 2007 (if needed)
EUPL Conference in Brussels	29 November 2007 (to be confirmed)

The Coordinator

For the practical organisation of the revision process, the Commission has empowered the contractual responsible of its OSOR project (Open Source Observatory and Repository), the company Unisys Belgium.

For the experts, the coordinator will be the UNIQUE ADMINISTRATIVE POINT OF CONTACT during the translation revision process.

This administrative point of contact is:

Ms. Maria-Lyra TRAVERSA
Maria.traversa@be.unisys.com

FAX: + 32 2 728 04 09

At the Coordinator side, the e-mail discussion could involve the following experts (IPR or Open Source Software specialists who were the initial writers of the EUPL V 1.0 – by alphabetical order):

- Severine Dusollier, Lawyer, Professor at FUNDP Namur (member of CRID – Centre de Recherches Informatique et Droit) severine.dusollier -@- fundp.ac.be
- Rishab Aiyer Ghosh, Economist and Open Source Research Director at the United Nations University (Maastricht – MERIT) rishab -@- dxm.org]
- Philippe Laurent, Lawyer, Marx Van Ranst Vermeersch & Partners, Brussels (member of CRID – Centre de Recherches Informatique et Droit) philippe.laurent -@- fundp.ac.be
- Patrice-Emmanuel Schmitz, Lawyer, Director EU studies – (Unisys Belgium) patrice-emmanuel.schmitz -@- be.unisys.com
- Jean-Paul Triaille, Lawyer, Dewolf & Partners, Brussels jeanpaul.triaille -@- dewolf-law.be

For approval

Expert name:
Title:
Place, Date:
Signature:

The coordinator: