
Subject: gif license

Posted by [Michael L. Kaiser](#) on Mon, 29 Oct 2001 20:21:31 GMT

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Being somewhat intrigued by the new gif form on the RSI Web page, I went through the motions to fill out the application with Unisys to get a gif/tiff license. They sent me a questionnaire which indicated they were mostly interested in people who were making money with gif files. I assured them we are a government agency and only use gif for Web pages. I then received a very official-looking agreement form from the Unisys Office of the General Counsel, which I am supposed to sign and send back to them. Near the end of this agreement are the words "The above limited license is free except for a fee of \$475.00 to cover processing and administrative costs. A check for this fee should be returned along with this agreement."

Gee, I wonder what the NASA Chief Council would think of this? Needless to say, we won't be using gif from IDL!

--

Michael L. Kaiser
NASA/GSFC/Code 695
Greenbelt, MD 20771
301-286-5461 (1683 FAX)
kaiser@panacea.gsfc.nasa.gov

Subject: Re: gif license

Posted by [nobody@nowhere.com](#) (S) on Wed, 31 Oct 2001 15:59:11 GMT

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On Tue, 30 Oct 2001 23:41:02 -0600, Dennis Boccippio

<djboccip@hotmail.com> wrote:

> In article <onwv1drj29.fsf@cow.physics.wisc.edu>,

> Craig Markwardt <craigmnet@cow.physics.wisc.edu> wrote:

>

>> Dennis Boccippio <djboccip@hotmail.com> writes:

>>> Thanks for the info, Michael. Haven't heard back from Unisys yet

>>> ourselves but was wondering whether the other shoe would drop or not

>>> (sounds like it will). I'm assuming your questionnaire responses were

>>> of the 'we have no interest in turning a profit off of LZW in IDL'

>>> variety?

>>>

>>> Has anybody successfully gotten a freebie Unisys agreement?

>>>

>>> - Dennis Boccippio, NASA/MSFC SD-60

>>

>> One should also be aware that the original patent held by Unisys,

>>

>> US4558302: High speed data compression and decompression
>> apparatus and method
>>
>> is due to expire in June of 2003. Before one spends a serious amount
>> of money on the license, one should also look at the time frame.
>>
>> Craig
>
> Update: we got hit with the \$475 'processing fee' as well (NASA/MSFC
> for their 'governmental use' agreement) but no other fees. Restrictions
> include no redistribution of software incorporating LZW functionality,
> which I read to mean we can't send homegrown IDL code with
> READ_GIF/WRITE_GIF functionality to our data users. Debating whether or
> not its worth it... the 6/03 expiration info is helpful...
>
> - DJB
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I am wondering the following: since IDL is an interpretive language, i.e. you cannot make standalone programs, then any potential user of code you may give out would have an IDL license, and presumably would not have the GIF/LZW enabled if they had not contacted Unisys and secured a license. So where is the problem? It would seem to me that your code would be useless to anyone without this license, am I correct? So I don't see how distributing your code is a problem (you are NOT distributing the ability to read/write GIF).

--
Steve S.

steve@NOSPAMmailaps.org
remove NOSPAM before replying

Subject: Re: gif license
Posted by [David Fanning](#) on Wed, 31 Oct 2001 16:17:01 GMT
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Steve Smith<steven_smith> (nobody@nowhere.com) writes:

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> the problem? It would seem to me that your code would be useless to anyone
> without this license, am I correct? So I don't see how distributing your code
> is a problem (you are NOT distributing the ability to read/write GIF).

I have a feeling this is **exactly** how the Unisys

lawyers view the issue. :-)

Cheers,

David

P.S. What was that sarcasm thingy again?

--

David W. Fanning, Ph.D.

Fanning Software Consulting

Phone: 970-221-0438, E-mail: david@dfanning.com

Coyote's Guide to IDL Programming: <http://www.dfanning.com/>

Toll-Free IDL Book Orders: 1-888-461-0155

Subject: Re: gif license

Posted by [Dennis Boccippio](#) on Thu, 01 Nov 2001 02:46:01 GMT

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In article <slrn9u07p6.cht.nobody@pooh.nrel.gov>,
nobody@nowhere.com (Steve Smith<steven_smith>) wrote:

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Seems logical; the portions of the apps with GIF export functionality
would be useless, although I'm not sure that would immunize us against
some hypothetical Unisys action, given the language of the agreement.
Actually, that raises a question - we haven't yet upgraded from 5.3
(because of the GIF issue and legacy code). How does 5.4+ IDL handle
READ_GIF/WRITE_GIF? Do they fail to compile? Or simply perform
nothing unless activated?

Personally, I'm torn on the LZW issue. On one hand, I think it's
perfectly reasonable to protect intellectual property, on the other
hand, I'm still peeved over U's handling of the issue several years
back, which smacked of a bait-and-switch, and doesn't seem corporate
behavior worth rewarding...

- DJB

Subject: Re: gif license

Posted by [Craig Markwardt](#) on Thu, 01 Nov 2001 05:22:59 GMT

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Dennis Boccippio <djboccip@hotmail.com> writes:

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> nobody@nowhere.com (Steve Smith<steven_smith>) wrote:
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> (because of the GIF issue and legacy code). How does 5.4+ IDL handle
> READ_GIF/WRITE_GIF? Do they fail to compile? Or simply perform
> nothing unless activated?

The READ_GIF and WRITE_GIF procedures still actually work and compile.
However, there is a specific libgif DLM which won't function without
some kind of a license.

Questions of legality aside, from a practical standpoint, it has been
possible in the past for some platforms to simply copy the DLM from
the old version of IDL into the new version's directory, and it
worked. I have no idea if this works with IDL 5.5.

Craig

--

Craig B. Markwardt, Ph.D. EMAIL: craigmnet@cow.physics.wisc.edu
Astrophysics, IDL, Finance, Derivatives | Remove "net" for better response

Subject: Re: gif license

Posted by nobody@nowhere.com (S) on Thu, 01 Nov 2001 16:25:46 GMT

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On Wed, 31 Oct 2001 21:46:01 -0500, Dennis Boccippio <djboccip@hotmail.com> wrote:

> In article <slrn9u07p6.cht.nobody@pooh.nrel.gov>,
> nobody@nowhere.com (Steve Smith<steven_smith>) wrote:
>
>
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> Personally, I'm torn on the LZW issue. On one hand, I think it's
> perfectly reasonable to protect intellectual property, on the other
> hand, I'm still peeved over U's handling of the issue several years
> back, which smacked of a bait-and-switch, and doesn't seem corporate
> behavior worth rewarding...
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> - DJB
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Maybe you know something I don't, but I recently posted a link to an article about the history of the LZW/GIF issue. From that article, I gathered that LZW was used by many (like Compuserve) without permission and that Unisys was either oblivious or didn't care about it till some time later. It doesn't sound like it was an intentional act aimed at proliferating LZW by giving it away. I think what's really disturbing is that in the present situation, nobody knows if what they are doing is legal until they've had a long consultation with Unisys and secured a license.

--
Steve S.

steve@NOSPAMmailaps.org
remove NOSPAM before replying

Subject: Re: gif license

Posted by [David Fanning](#) on Thu, 01 Nov 2001 21:53:21 GMT

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Stein Vidar Hagfors Haugan (shaugan@esa.nascom.nasa.gov) writes:

> Isn't it.. Also, if you're a user that should pay no money for the license,
> because you're not making money off LZW, I don't think anyone would get far
> with an infringement lawsuit (i.e. can they sue you for not paying the
> processing fee?). However, I'm not a lawyer.. ;-)

The goal isn't to sue you. The goal is to
harass you until you conclude it is cheaper
to pay the fee than it is to fend off the harassment.

Cheers,

David

P.S. Let's just say its only called blackmail
if you don't have your J.D. degree. :-)

--

David W. Fanning, Ph.D.

Fanning Software Consulting

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Subject: Re: gif license

Posted by [Craig Markwardt](#) on Fri, 02 Nov 2001 05:35:42 GMT

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Stein Vidar Hagfors Haugan <shaugan@esa.nascom.nasa.gov> writes:

> Dennis Boccippio <djboccip@hotmail.com> writes:
>
>> Update: we got hit with the \$475 'processing fee' as well (NASA/MSFC
>> for their 'governmental use' agreement) but no other fees.
>
> Shouldn't NASA simply pay up *one time* for the agreement? Sounds like \$475

- > for an agency-wide agreement is not a huge expense. The paperwork involved in
- > actually getting it done by NASA might cost two orders of magnitude more,
- > however.

If the LZW patent was developed with federal research dollars, then the patent may be available to the US Government royalty-free. Of course it may be against Unisys's interests to tell you that. Or, they may still charge their "processing fee". It keeps the lawyers in employ.

Craig

--

Craig B. Markwardt, Ph.D. EMAIL: craigmnet@cow.physics.wisc.edu
Astrophysics, IDL, Finance, Derivatives | Remove "net" for better response

Subject: Re: gif license

Posted by [Dennis Boccippio](#) on Fri, 02 Nov 2001 15:16:48 GMT

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In article <xmzsnbyjtqj.fsf@esa.nascom.nasa.gov>,
Stein Vidar Hagfors Haugan <shaugan@esa.nascom.nasa.gov> wrote:

> Dennis Boccippio <djboccip@hotmail.com> writes:

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> Shouldn't NASA simply pay up *one time* for the agreement? Sounds like \$475

> for an agency-wide agreement is not a huge expense. The paperwork involved in

> actually getting it done by NASA might cost two orders of magnitude more,

> however.

>

Only problem there is that it's not clear we could (agencywide) answer all of their questions in a way which would guarantee a \$475 "no-charge" limited agreement. I can't vouch that other NASA IDL users wouldn't use IDL/LZW for applications which might violate Unisys' idea of acceptable use. E.g., if IDL was used as the back-end of a (publicly available) cgi-script to generate and distribute GIFs, it seems like we indeed would be exporting functionality, rather than just 'latent' functionality (code)... (?)

>> Restrictions

>> include no redistribution of software incorporating LZW functionality,

>> which I read to mean we can't send homegrown IDL code with
>> READ_GIF/WRITE_GIF functionality to our data users.
>
> Of course you can - you're not sending them the LZW functionality, you're just
> sending programs which rely on that functionality. But your users have to pay
> the processing fee, or somehow use an IDL version that provides the
> READ_GIF/WRITE_GIF routines..

I dunno, that seems a semantic point that I'd be cautious to concede.
Copyright/patent lawyers have a strange logic all their own, and the one
thing I learned about copyright law (granted, a separate issue) when
working with online journal policy is that logical interpretation by
laymen is ill advised :-). For NASA's sake, I'd rather play it safe.
Actually for my own sake, since N has no qualms about holding employees
responsible for errors in judgment :-)

>
>> Debating whether or
>> not its worth it... the 6/03 expiration info is helpful...
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> Isn't it.. Also, if you're a user that should pay no money for the license,
> because you're not making money off LZW, I don't think anyone would get far
> with an infringement lawsuit (i.e. can they sue you for not paying the
> processing fee?). However, I'm not a lawyer.. ;-)

Yeah, and I doubt the Unisys Police are trolling the NASA software
distribution URLs. Nonetheless, it's a relatively low-cost CYA
measure...

The bigger problem is how to actually PAY them. Their payment options
that came along with the draft agreement aren't particularly
government-bureaucracy-friendly. Nice of them to make it easy to do the
right thing...

DJB

Subject: Re: gif license
Posted by [Dennis Boccippio](#) on Fri, 02 Nov 2001 15:18:12 GMT
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In article <MPG.164b723e6e90f584989741@news.frii.com>,
David Fanning <david@dfanning.com> wrote:

> Stein Vidar Hagfors Haugan (shaugan@esa.nascom.nasa.gov) writes:
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> The goal isn't to sue you. The goal is to
> harass you until you conclude it is cheaper
> to pay the fee than it is to fend off the harassment.
>

Cogently stated. And they win (unless I can't figure out a way to
actually _get_ the money to them).

- DJB

Subject: Re: gif license
Posted by [Dennis Boccippio](#) on Fri, 02 Nov 2001 15:26:32 GMT
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In article <slrn9u2tmu.ffk.nobody@pooh.nrel.gov>,
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> LZW
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> either oblivious or didn't care about it till some time later. It doesn't
> sound
> like it was an intentional act aimed at proliferating LZW by giving it away.

Either way, it's not something I care to reward. If they were oblivious
to the use, they missed out on one of the biggest innovations in recent
memory (the Unisys patent FUD, IIRC, popped up a couple of years after
the introduction of the WWW, when GIF was already a de-facto standard -
remember when even JPGs broke browsers?), and that doesn't exactly seem
to be corporate behavior worth rewarding. If they knew about the
unauthorized use and were _allowing_ it to become a de-facto standard

before raising the FUD, it was a pure bait-and-switch, certainly not behavior worth reporting.

Either way, they declined or neglected to protect their own interests early on. Perfectly within their right (I would assume, deference given to people who actually know patent law), but not something I'm overly impressed by or overly inclined to reward.... MHO only...

- > I
- > think what's really disturbing is that in the present situation, nobody knows
- > if what they are doing is legal until they've had a long consultation with
- > Unisys and secured a license.

Agreed.

- DJB
