

Top Ten Open Source Legal Developments: 2008

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Last year was the one of the most active years for legal developments in the history of free and open source (?FOSS?). <http://lawandlifesiliconvalley.com/blog/?p=27> This year, 2008, has seen a continuation of important legal developments for FOSS. My list of the top ten FOSS legal developments in 2008 follows:

1. First Major Appellate Decision for a FOSS License. Last year, the District Court in San Francisco in *Jacobsen v. Katzner* decided the first case under US law interpreting an open source license. That decision had the potential to significantly undercut the ability of FOSS licensors to enforce their license. However in August, the Court of Appeals for the Federal Circuit (?CAFC?) overturned the District Court decision and strongly supported the right of FOSS licensors to obtain copyright remedies for breach of FOSS licenses: such remedies include injunctive relief (an order by the court to the licensee to obey the license) and statutory damages of up to \$150,000 for each infringed work. <http://lawandlifesiliconvalley.com/blog/?p=64>

2. Final End of the SCO Attack on Linux.

3. First Settlement of Patent Infringement Litigation For an Open Source Community.

4. Major Litigation on GPL.

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