

NOTE: This is a draft version of the proposed licensing exception for ModSecurity. ModSecurity has not yet been released with an option to use it.

ModSecurity Licensing Exception

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As a special exception ("Exception") to the terms and conditions of version 2 of the GPL, Breach Security, Inc. hereby grants you the rights described below, provided you agree to the terms and conditions in this Exception, including its obligations and restrictions on use.

Exception Intent

We want specified Free/Libre and Open Source Software ("FLOSS") programs to be able to use ModSecurity (the "Program") despite the fact that not all FLOSS licenses are compatible with version 2 of the GNU General Public License (the "GPLv2").

Legal Terms and Conditions

You are free to distribute a Derivative Work that is formed entirely from the Program and one or more works (each, a "FLOSS Work") licensed under one or more of the licenses listed below in section 1, as long as all of the following conditions are met:

1. You obey the GPLv2 in all respects for the Program and the Derivative Work, except for identifiable sections of the Derivative Work which are
 1. not derived from the Program, and
 2. are not designed to interact with the Program, and
 3. which can reasonably be considered independent and separate works in themselves.
2. All such identifiable sections of the Derivative Work are
 1. distributed subject to one of the FLOSS licenses listed below, and
 2. the object code or executable form of those sections are accompanied by the complete corresponding machine-readable source code for those sections on the same medium and under the same FLOSS license as the corresponding object code or executable forms of those sections.
3. Any works which are aggregated with the Program or with a Derivative Work on a volume of a storage or distribution medium in accordance with the GPLv2, can reasonably be considered independent and separate works in themselves which are not derivatives of either the Program, a Derivative Work or a FLOSS Work, and are not designed to interact with the Program.

If the above conditions are not met, then the Program may only be copied, modified, distributed or used under the terms and conditions of the GPLv2 or another valid licensing option from Breach Security, Inc.

1. FLOSS License List

License name	Version(s)/Copyright Date
Academic Free License	2.0
Apache Software License	1.0/1.1/2.0
Apple Public Source License	2.0
Artistic license	From Perl 5.8.0
BSD license	"July 22 1999"
Common Development and Distribution License (CDDL)	1.0
Common Public License	1.0
Eclipse Public License	1.0
GNU Library or "Lesser" General Public License (LGPL)	2.0/2.1
Jabber Open Source License	1.0
MIT License (As listed in file MIT-License.txt)	-
Mozilla Public License (MPL)	1.0/1.1
Open Software License	2.0
OpenSSL license (with original SSLeay license)	"2003" ("1998")
PHP License	3.0
Python license (CNRI Python License)	-
Python Software Foundation License	2.1.1
Sleepycat License	"1999"
University of Illinois/NCSA Open Source License	-
W3C License	"2001"
X11 License	"2001"
Zlib/libpng License	-
Zope Public License	2.0

Due to the many variants of some of the above licenses, we require that for any version of the listed FLOSS licenses to qualify under this exception, it must follow the 2003 version of the Free Software Foundation's Free Software Definition (<http://www.gnu.org/philosophy/free-sw.html>) or version 1.9 of the Open Source Definition by the Open Source Initiative (<http://www.opensource.org/docs/definition.php>).

2. Definitions

1. Terms used, but not defined, herein shall have the meaning provided in the version 2 of the GPL.

2. Derivative Work means a derivative work under copyright law.

3. Applicability

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You may choose to redistribute a copy of the Program exclusively under the terms of the GPLv2 by removing the Exception notice from that copy of the Program, provided that the copy has never been modified by you or any third party.

Appendix A. Qualified Libraries and Packages

The following is a non-exhaustive list of libraries and packages which are covered by the Exception when they are licensed under one or more of the licenses listed above. Please note that this appendix is merely provided as an additional service to specific FLOSS projects who wish to simplify licensing information for their users. Compliance with one of the licenses noted under the "FLOSS license list" section remains a prerequisite.

Package name	Qualifying License and Version
Apache HTTP Server	Apache Software License 2.0
Apache Portable Runtime (APR)	Apache Software License 2.0