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**NATIONAL STANDARD OF THE
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**Information technology - Open source - Open source license
framework**

信息技术 开源 开源许可证框架

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Foreword

This document is in accordance with the provisions of GB/T 1.1-2020 "Guidelines for standardization work Part

1. Structure and drafting rules for standardization documents" Drafting. Please note that some of the contents of this document may involve patents. The issuing organization of this document does not assume the responsibility for identifying patents. This document was proposed and coordinated by the National Information Technology Standardization Technical Committee (SAT/TC28). This document was drafted by: Peking University, China Electronics Standardization Institute, Institute of Software, Chinese Academy of Sciences,

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1 Scope

GB/T 44272-2024 sets a framework for open source licences in China. Chinese enterprises now both consume and publish open source at scale, and the licences they encounter were written in another legal system and another language, which leaves real uncertainty about what a Chinese court would make of them and makes it hard to draft a Chinese licence that is both enforceable and compatible with the international ecosystem. The standard addresses that by decomposing a licence into its structural parts and saying what each must contain: the framework itself, the basic information a licence must carry, the preamble, and then the terms and conditions in detail, the definitions, the scope of the grant, the conditions attached to it, the restrictions, the treatment of patents, of trademarks and of contributions, the disclaimers of warranty and limitations of liability, and the termination provisions. For a company publishing software under a Chinese licence, or assessing one it has received, this is the reference that says what a well-formed open source licence looks like in the Chinese context. It took effect on 23 August 2024.

This document provides the content framework of the open source license, stipulating the basic information structure, preamble structure, terms and conditions structure, instructions for use Composition and license compatibility. This document is intended to guide the preparation and use of open source licenses.

2 Normative references

This document has no normative references.

3 Terms and definitions

The following terms and definitions apply to this document.

3.1 Software All or part of the procedures, processes, rules and related documentation of an information processing system. Note 1 to entry. Software is an intellectual product independent of the medium on which it is recorded. Note

2. Software and other works are protected by copyright once they are created, and may contain content protected by patents or trademarks. [Source: GB/T 5271.1-2000, 01.01.08, modified]

3.2 open source An open sharing model for software, hardware, data and information that allows users to freely use, modify, copy or distribute them.

3.3 Open source license opensourcelicense A legally binding contract that defines the rights and obligations of users to freely use, modify, copy or distribute open source licensed works. Note

1. By designing, using, and complying with specific open source licenses, the right holder opens his or her work to the public for the purpose of legally sharing and co-building. Note

2. According to the way of re-authorizing derivative works, open source licenses are mainly divided into two categories. permissive open source licenses, which authorize The work does not restrict the licenses (even commercial licenses) used by its derivative works; copyleft open source licenses, such licenses The licenses under which derivative works of a work may be distributed are usually limited to the same or compatible licenses.

3.4 Copyright copyright The rights that copyright owners enjoy over their works according to law. [Source: GB/T 21374-2008, 3.4.1]

3.5 copyleft The copyright owner grants users the right to freely use, modify, copy or distribute the licensed work, and requires users to modify the licensed work. The resulting derivative works are licensed under the same license.

Note. "Copyright" is usually used to restrict others' freedom to use creations at will. The free software movement proposed the "copyright of copyright"