Analyzing Open Source License Compatibility Issues with Carneades

Thomas F. Gordon
Fraunhofer FOKUS
Berlin, Germany
thomas.gordon@fokus.fraunhofer.de

ABSTRACT

The Carneades software system provides support for constructing, evaluating and visualizing arguments, using formal representations of facts, concepts, defeasible rules and argumentation schemes. This paper illustrates features of Carneades with a prototype legal application for analyzing open source software license compatibility issues in particular cases. The Carneades system provides a unique combination of features that make to our knowledge applications of this kind possible for the first time.

Keywords

legal knowledge representation, computational models of argument, copyright law

1. INTRODUCTION

This paper illustrates features of the Carneades argumentation system [14] with examples from a prototype legal application for analyzing open source license compatibility issues [15]. As Bing [3], Fiedler [7], McCarty [17] and many others have noted, legal argumentation is "not primarily deductive, but rather a modeling process of shaping an understanding of the facts, based on evidence, and an interpretation of the legal sources, to construct a theory for some legal conclusion" [3]. The parties in a legal dispute construct competing theories and argue about their relative merits. Carneades is designed to support all the steps in this process of theory construction, argumentation and evaluation.[1]

The Carneades software system is based on a well-founded formal model of structured argumentation with support for proof burdens and standards [9,10], now called Carneades Argument Evaluation Structures (CAES). It has been formally proven that the Carneades model of argument is a specialization of both Prakken's ASPIC+ model of structured argumentation [8] and Brewka's Abstract Dialectical Frameworks [5] and thus an instantiation of Dung's Abstract Argumentation Framework [4,8]. Carneades has also been shown by Governatori to be closely related to Defeasible Logic [16]. A formal model of abduction in Carneades argument evaluation structures has been developed [2], which is useful for identifying relevant issues and computing minimal sets of statements, called positions, which, if proven, would make some goal statement acceptable (in) or not acceptable (out) in a stage of a dialogue.

Building on this formal foundation, the Carneades software provides a number of tools for interactively constructing, evaluating and visualizing arguments, as well as computing positions. Arguments are constructed using formalizations of facts, concepts, defeasible rules and argumentation schemes [11,12]. Facts and concepts are represented using the Web Ontology Language (OWL), an XML schema for description logic [1], a subset of first-order logic and thus with a monotonic (strict) entailment relation. Legal rules and argumentation schemes [18] are both modeled as defeasible inference rules, represented in the Legal Knowledge Interchange Format (LKIF) [6]. The rules of alternative, competing theories of the law can be included in a single model.

A combination of forwards and backwards reasoning is used to construct arguments: a description logic reasoner constructs the deductive closure of the concepts and facts in a forwards manner; the Carneades rules engine uses backwards reasoning to apply the defeasible inference rules in a goal-directed and stratified way to the deductive closure of the description logic theory of facts and concepts. The LKIF rule language has been extended to provide a way to declare the domain of variables using predicates defined in OWL, similar to the way variables are typed in programming languages. These domain declarations provide important control information that enables the rule engine to iterate over instances of the domains to more efficiently instantiate the rules.

In addition to the arguments constructed automatically from a knowledge-base of facts, concepts and rules, arguments can manually entered into the system by the user. These arguments can be completely ad hoc or instantiations of argumentation schemes. The Carneades system currently includes a library of

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[1] http://carneades.berlios.de

about 20 of Walton's most important argumentation schemes along with a software assistant which steps the user through the process of selecting and instantiating schemes.

As the arguments are constructed and edited, they are visualized in an argument map [13]. The graphical user interface, called the Carneades Editor, supports argument evaluation by providing tools to accept and reject statements, assign proof standards and weigh arguments. After every modification, the underlying computational model of argument is used to update and visualize the acceptability status of statements in the map. The differential legal effects of competing theories can be analyzed by assuming their rules to be valid and then checking how this effects the acceptability of issues of interest in the argument map. Moreover Carneades provides a "find positions" assistant which can be used to abduce theories with desired legal effects.

The rest of this paper illustrates features of Carneades with examples from the prototype legal application for analyzing open source license compatibility issues. We start with examples from a simple OWL ontology for describing software licenses and use and derivation relationships between works of software. Next we show how to use the ontology to model the facts of a case. We then show how to model some rules of copyright law in LKIF, focusing on the issue of whether linking to a software library produces a derivative work. These models are then used to illustrate how Carneades can be used to construct, evaluate and visualize arguments about whether or not the project may publish its software using a particular open source license, i.e. whether a preferred license is compatible with the licenses of the software used by the project. We conclude by showing how abduction can be used to find positions that are helpful for proving, or disproving, depending on one's standpoint and interests, that a license is compatible.

2. Concepts and Facts

Carneades uses the Web Ontology Language (OWL), a World Wide Web standard XML schema for representing and interchanging description logic knowledge bases. These knowledge bases have two parts, for concepts (TBox) and facts (ABox). The top-level concepts, called "classes" in OWL, for our application are:

- CopyrightLicense. Individual licenses, with which a particular legal entity, the licensor, grants rights to another legal entity, the licensee.
- CopyrightLicenseTemplate. Open source license templates, such as the GPL or BSD. A particular copyright license can be an instance of such a template.
- LegalEntity. Legal persons, such as humans, corporations and associations.
- LicenseTerm. The rights granted by a license and the conditions of the license, limiting the rights granted.
- Work. Various kinds of intellectual products protected by copyright, including software.

The Work class is for all works protectable by copyright. There is a SoftwareEntity subclass of Work, intended to cover all kinds of software artifacts, including not only source and object code, but also more abstract entities such as APIs and specifications.

The main property of software entities of interest for license compatibility issues is the isDerivedFrom property, expressing that one entity has been derived from another. This legal issue depends on the jurisdiction and the interpretation of the governing law by the courts. The ontology includes properties for representing various ways that software can use other software, such compiledBy and linksTo. These properties are not from the domain of copyright law, but rather from the domain of software engineering.

In legal terms, the model of software concepts provides the means to represent the *material facts* of a software licensing case. The legal question is whether a particular use of software, such as linking, is sufficient to create a derivative work. In legal jargon, the question is whether a material fact, linking, can be *subsumed* under the legal concept of a derivative work. None of these use relations has been defined in the ontology to be a subproperty of isDerivedFrom, because these legal issues have not been resolved and we want to leave room to argue about them.

In addition to these use relations, the ontology includes properties for representing the compatibility of license templates and for representing the licenses which have been issued for particular works.

The software ontology was used to model an example software project, roughly based on the current version of the Carneades system. To illustrate, here is the model of some facts about the Carneades inference engine:

CarneadesEngine
    type: SoftwareLibrary
    implementedIn: Clojure
    compiledBy: ClojureCompiler
    linksStaticallyTo: ClojureLib
    linksStaticallyTo: Pellet

One of the libraries used by the Carneades engine is the Clojure library (ClojureLib) which is licensed using the Eclipse Public License (EPL) template, named EPL_Template in the model. In the model, the ClojureLib does not have the EPL_Template as its license, but rather has its own license, named ClojureLicense, that is an instance of the EPL template. This way of modeling licenses allows each instance of a template license to have its own licensor and licensee. This is necessary since the license and the template used to create the license are two different objects with different properties. For example, the copyright owners of the software and the template license are typically different persons.

Another library linked to by the Carneades engine uses the GNU AGPL license template. Since the EPL and AGPL are incompatible reciprocal licenses, a central question will be whether the Carneades engine can be linked to both of these libraries. This will depend on whether the linking of software to a library causes the software to be a derivative work of the library. We will return to this question after showing, in the next section, how alternative interpretations of copyright law can be modeled using LKIF rules.

3. RULES

Description logic (DL) is semantically a decidable subset of first-order logic. This means that the inferences of description logic reasoners are *strict*: if the axioms of a DL knowledge base are true in some domain, then all of the inferences made by a (correctly implemented) DL reasoner are necessarily also true, without

exception. While DL is very powerful and useful, monotonic logics are not sufficient for modeling legal rules, such as the rules of copyright law, in a maintainable and verifiable way, isomorphic with the structure of legislation and regulations. Legislation is typically organized as general rules subject to exceptions. Arguments made by applying legal rules are *defeasible.* Their conclusions can be defeated with better counterarguments. Various legal rules may conflict with each other. Theses conflicts are resolved using legal principals about priority relationships between rules, such as the principal of *lex superior*, which gives rules from a higher authority, such as federal law, priority over rules from a lower authority, such as state law. These properties of legal rules are well known in AI and Law and have been studied extensively. References are omitted for lack of space.

Thus we model legal rules using a defeasible rule language which has been developed especially for this purpose, as part of the Legal Knowledge Interchange Format (LKIF), and use description logic (OWL more specifically) for more limited purposes: 1) to declare the language of unary and binary predicate symbols (called concepts and roles in DL, classes and properties in OWL) of the application domain; and 2) to make assertions about these predicates, using DL axioms, which are judged to be universally true and beyond dispute in the domain.

Here we illustrate the LKIF rule language by modeling two interpretations of the concept of a derivative work in copyright law. Since opinions differ about how to interpret copyright law in the context of open source licensing issues, for example about whether or not linking to a software library creates a derivative work, an important feature of our approach is the ability to include alternative legal theories in a single model, and to construct competing arguments from these alternative legal theories.

We begin with the general rule that the copyright owner of software may license the software using any license template he chooses.

```
<rule id="DefaultLicenseRule">
 <head>
   <s pred="&oss;mayUseLicenseTemplate">
     <v>SE</v> may be licensed using
     the <v>T</v> template
   </s>
 </head>
</rule>
```

Since LKIF is an XML schema, rules are represented in XML. This particular rule has a head (conclusion) but no body (conditions). Even though the rule has no conditions, inferences made using this rule are not necessarily or universally true, but remain defeasible. We will make use of this feature to express exceptions to this general rule below.

The rule has been assigned an identifier, DefaultLicenseRule, which may be used to formulate statements about the rule. That is, rules are reified and may be reasoned about just like other objects.

The predicate symbol of the statement (proposition) in the head of the rule is specified using the `pred` attribute. Its value can be the name of a class or property in a OWL ontology, as in this example. The `&oss;` entity reference refers to the ontology, using its URI.

Declaring predicate symbols in ontologies makes it possible to divide up the model of a complex domain theory into modules, with a separate LKIF file for each module. OWL provides a way to import the classes and properties of other OWL files, recursively. Similarly, LKIF provides a way to import both LKIF and OWL files. OWL makes it easy to manage predicate symbols across the boundaries of modules and to make sure that symbols in different modules refer to the same class or property when this is desired.

The XML syntax for rules in LKIF is rather verbose and not especially readable. Fortunately, it is easy to write programs for converting XML into more readable formats. Moreover, XML structure editors exist which use style sheets to enable authors to edit XML documents directly in a more readable form. Using this feature, the above rule can be displayed in the editor as follows:

rule DefaultLicenseRule
  head SE may be licensed using the T template

We will use this more readable format for displaying LKIF rules in the remainder of this article. Next let us formulate an exception to the general rule that any license template may be used for reciprocal licenses:

rule ReciprocityRule
  head
    not: SE1 may be licensed using the T1 template
  domains
    SE1 uses SE2
    SE2 has license L
  body
    L is reciprocal
    SE1 is derived from SE2
    unless exists T2 : L is an instance of template T2
      such that T1 is compatible with T2

This reciprocity rule states that a software entity, SE1, may not be licensed using a license template, T1, if the software is derived from another software entity, SE2, licensed using a reciprocal license, L, unless L is an instance of a template license, T2, which is compatible with T1. The use of domains in this rule provides control information to make use of forward chaining in the description logic reasoner, as discussed in the introduction. Notice that the conclusion of the rule is negated and that the last condition of the rule expresses a further exception, using an "unless" operator.

These two rules illustrate two kinds of exceptions. In argumentation terms, arguments constructed using the ReciprocityRule *rebut* arguments constructed using the DefaultRule and arguments which make use of the explicit exception of the ReciprocityRule, by showing that the licenses are compatible, *undercut* the reciprocity argument.

Let us end this brief overview with rules modeling two conflicting views about whether or not linking creates a derivative work. According to the lawyers of the Free Software Foundation, linking does create a derivate work. Lawrence Rosen, a legal expert on open source licensing issues, takes the opposing point of view and argues that linking per se is not sufficient to create derivate works.

rule FSFTheoryOfLinking
  head
    SE1 is derived from SE2
  body
    SE2 is a software library
    SE1 is linked to SE2
    The FSF theory of linking is valid

rule RosenTheoryOfLinking
  head
    not: SE1 is derived from SE2
  body
    SE2 is a software library
    SE1 is linked to SE2
    The Rosen theory of linking is valid

The last condition of each of these rules requires that the interpretation of copyright law represented by the rule is legally valid. Making this condition explicit enables us to argue about which theory of linking is correct, to compare the effects of these two theories on particular cases, and to use abduction to derive positions about which theory to prefer.

4. ARGUMENTS

Now let's use the two legal theories of linking we have modeled with LKIF rules to analyze a licensing issue of the example software project. Recall that in the example, the Carneades engine is implemented using the Clojure programming language and links to the Clojure library, as well some others, including the Pellet library. The Clojure compiler and library are licensed using the EPL. The Pellet library uses the AGPL variant of the GPL. Both the EPL and AGPL are reciprocal.

Suppose we want to analyse whether the Carneades engine may be licensed using EPL. Using the Carneades assistant for constructing arguments from ontologies and rules, we can create an interactive argument map about this issue, as shown in Figure 1. Argument evaluation structures can be visualized in many ways, at different levels of abstraction. The visualization shown

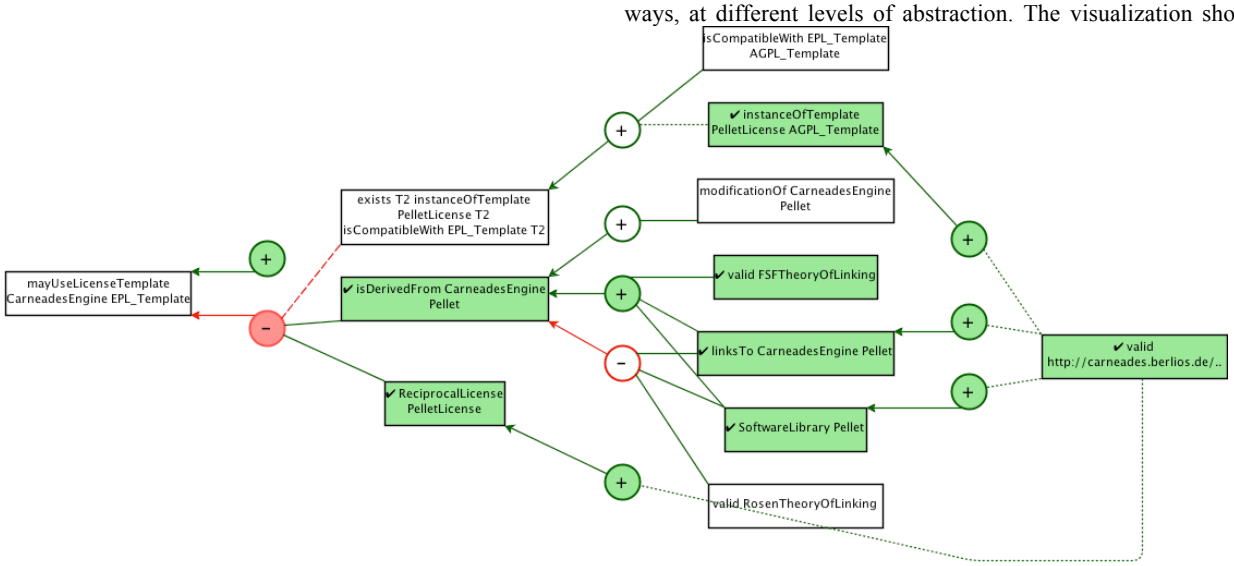

Figure 1. Example Argument Map

uses a bipartite labeled directed graph, with statement and argument nodes. Statement nodes are displayed using boxes; argument nodes with circles. The propositional content of a statement node is shown as text inside the box, in either natural language or, as in this example, in a formal language. The map includes two arguments about this issue, a pro argument and a con argument. Pro arguments are visualized by circles containing a plus sign; con arguments by circles containing a minus sign. In the example, the pro argument was constructed from the DefaultLicenseRule. Recall that this general rule states that, by default, a software entity may be licensed using any template license, with no limitations on the copyright owner. Since this rule has no conditions, the argument constructed from it has no premises. Arguments are applicable when all of their premises hold. Thus, arguments with no premises, such as this one, are always applicable. In the figure, applicable arguments and acceptable statements are visualized by filling their circle or box, respectively, with a grey background. Arguments are linked to their premises and conclusion using various kinds of edges between the statement and arguments nodes in the diagram. Solid lines denote ordinary premises; dotted lines denote exceptions.

As can be seen in the figure, the FSF and Rosen theories about whether or not linking creates a derivative work have both been applied, to construct pro and con arguments about whether or not the software is derived from Pellet. The open question is whether either of these two legal theories is valid. If the FSF theory of linking is valid, then the software is derived from Pellet and the con argument from reciprocity is applicable. This con argument would rebut the argument from the default license rule, with the result that it is not acceptable to use the EPL license template.

Users can analyze the affects of different legal theories on issues of a case by accepting or rejecting the validity of rules in the argument map. Carneades reevaluates the arguments after each

change and updates the visualization accordingly. Moreover, a "find positions" assistant, based on our formal model of abduction in Carneades argument evaluation structures [2], can be used for computing minimal sets of statements which, if accepted, would make a given statement acceptable (in) or not acceptable (out) in the argument graph. In the example, if the aim is to be able to use the EPL template, one of the positions computed is {(not (valid FSFTheoryOfLinking))}. Finally, an "instantitate scheme" assistant is available for helping users to apply argumentation schemes, such as argument from expert opinion, to construct arguments and add them to the map. One could use this tool, e.g., to add the arguments of the Free Software Foundation and Lawrence about the validity of their respective theories of linking.

5. CONCLUSION

We have illustrated features of the Carneades argumentation system with a prototype legal application for analyzing software licensing issues. To our knowledge, no other argumentation or rule-based system currently provides the combination of tools required for this application: 1) automatic argument construction from a knowledge base of strict and defeasible rules; 2) argument mapping; 3) argument evaluation; 4) interactive construction of arguments using argumentation schemes; 5) exploration of effects of alternative legal theories; and 6) computation of positions, using abduction. The source code of the application is freely available, as open source software, and we offer it as a possible benchmark problem to the AI and Law community.

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