

Make Your Laws PAC, Inc. (FEC ID # C00529743)
% Nick Staddon, Secretary
122 Pinecrest Rd.
Durham, NC 27705

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, DC 20463

Re: MYL PAC Advisory Opinion Request re: Foreign National Intellectual Property contributions

March 4, 2015

Dear Commissioners:

I write to correct an error in our March 2 comments (p. 3 ¶ 2) and explain our non-software licensing.

As mentioned in our request (p. 2 fn 3), MYL PAC currently uses two open source licenses for our software: the GNU Affero General Public License ("AGPL")¹ and the MIT License ("MIT")². We currently³ use AGPL for our core software⁴, and MIT for libraries meant for broader reuse⁵.

Unlike AGPL (described in our March 2 comments, p. 3), MIT does *not* require derivative works to be re-shared on the same terms (i.e. MIT is not a "copyleft"⁶ license). It only requires that licensees include the license and a copyright notice giving credit to the licensor.

See e.g. <http://choosealicense.com/licenses/#agpl-v3> for a comparison of the terms some of the most common open source licenses, including the essential differences between AGPL and MIT.

For non-software copyrightable works (e.g. art, text, video, etc.), technical differences in the legalities of software licensing vs. more general copyright licensing require us to use different licenses⁷. The same basic spirit of open source licensing, as discussed in our request and prior comment, still applies to our use and license of such other works.

As discussed in our request, for a small number of works — primarily, anything related to our

¹ <http://opensource.org/licenses/AGPL-3.0>

² <http://opensource.org/licenses/MIT>

³ We reserve the right to change what license(s) we use at any time. Such changes are not retroactive; once a specific work is licensed, that license is irrevocable. However, it does not necessarily apply to later versions.

⁴ e.g. <https://github.com/MakeYourLaws/MakeYourLaws>

⁵ e.g. <https://github.com/MakeYourLaws/rack-for-tag>

⁶ <https://en.wikipedia.org/wiki/Copyleft>

⁷ https://wiki.creativecommons.org/FAQ#Can_I_apply_a_Creative_Commons_license_to_software.3F

trademarks or trade dress, such as our logo — we retain copyright with all rights reserved, and require full assignment without any license back.

We license most other works under a Creative Commons license⁸ — primarily, the Attribution-ShareAlike-NonCommercial license (CC BY-NC-SA)⁹. This license applies e.g. to all slides and video of talks given by MYL PAC representatives, much of the text on our website, etc.

As a rough comparison between the two types of license, Creative Commons' Attribution-ShareAlike (CC BY-SA) license is similar to AGPL, and its Attribution-only license (CC BY) is similar to MIT.

A licensed work — whether CC, AGPL, MIT, or otherwise — is still copyright of its creator or assignee. "Open" licenses simply preemptively grant certain specified free reuse rights to anyone who complies with the terms of the license. They are not an IP assignment agreement.

MYL PAC asks for *assignment*, not just license, of IP resulting from volunteer services, in order to:

- a. keep all rights reserved where necessary (e.g. for branding),
- b. legally enforce the terms of the license (e.g. to have standing to enjoin someone from using a CC BY-NC-SA licensed work commercially or without proper attribution), and
- c. ensure that there is no confusion about responsibilities under the FECA or other law (e.g. if we wish to use the work in an advertisement or other regulated communication, sell shirts bearing our logo, etc).

This clarification is meant to ensure that our comments and representations are technically accurate, and to cover our use of a different set of open licenses for non-software works. We believe that it does not make any substantive change in the legal analysis of our request.

As always, please feel free to contact me if you have any questions or comments. I look forward to discussing this AOR with the Commission at its next open meeting.

Sincerely,
Sai
President & Treasurer
Make Your Laws PAC, Inc. (MYL PAC)

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⁸ <https://creativecommons.org/licenses/>

⁹ <https://creativecommons.org/licenses/by-nc-sa/4.0/>