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RESET, REBOOT, RESTART, LEGAL ISSUES AND THE LONG ROAD TO 0.3

by sedwards | January 27, 2006

Hello,
There has been a lot of talk about possible tainted code in ReactOS and or developers that had access to leaked Microsoft source code. This has caused a lot of speculation about the future of the ReactOS Project. I'm going to try to put those fears to rest and explain what has been going on and where we are going to go from here.

There was one issue that started this discussion and it related to clean-room reverse engineering of certain code in ReactOS. Due to the fact we have developers in many different countries the term reverse engineering can mean many things to many different people. For us in the US when you speak of clean-room reverse engineering it means that one person tears apart the implementation of a device, writes documentation and another reads that documentation and implements. Other countries do not require this invisible great wall of development and allow the same person that disassembles the interface to also write the replacement implementation.

Because of the confusion this has caused and the possible legal issues this could lead to we have decided to do the following.

1) Amend our Intellectual Property Policy Statement to reflect clean-room reverse engineering as meaning the US standard method for reverse engineering and make that the project requirement

2) Audit the entire source tree and rewrite all code found to have been implemented not using the US method for reverse Engineering

3) Require all developers contributing major code to accept the terms of our IP Policy Document via signature.

Now as for the issue of leaked source code, I want to try to put all fears to rest. We don't know what the legal ramifications are for someone downloading and having leaked code, as the party that maintains copyright ownership of that code might still try to claim Trade Secrecy on information contained in the sources in a court of law. It is our point of view that the source code leaks of Windows have been spread to a broad enough audience that it would be impossible to claim the product is still under Trade Secrecy. Because of this we are not banning any developer who might have had access to leaked sources from contributing to ReactOS, however they are being limited as to what area they can contribute. Copyright law still applies to all leaked Windows sources and no one in ReactOS may copy code from a Windows source leak and try to apply it to code in the ReactOS tree.

We know of four developers who have had access to leaked sources prior to working on ReactOS and while they no longer have copies of the source code in question, each of the developers have told us in private which sections of the sources they were exposed to. As such the project has amending the IP document as a fourth step of protection

4) any developer that had access to leaked sources is baned from contributing code to the project for any of the modules that are the same as leaked sources they examined.

So to clarify that, lets say someone saw some of the leaked Windows source code in version.dll, then they would be unable to contribute code to the ReactOS project for that dll.

It is our hope that a court case will arise and declare Microsoft's Windows code is no longer under Trade Secret protection so these developers who did have access to some of the leaked sources will be free to contribute again to all sections of the project.

One final note, this audit of the code is going to take a long time. It could take years, but it will happen, this project will come out better than it was before. I don't believe anything anyone has done while working on this project was really wrong. Every decision has three possibilities, being moral, ethical and or legal. Sometimes the law in itself is unethical and immoral. If people made mistakes and there was a violation of the law, I question the justice of the law and or anyone that would try to prosecute any of the developers who just want the freedom to learn and create a more free system.

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