Open source legal: business as usual

malcolm bain
lawyer
Regular Girona GIS Conf speaker
groupie

Open Source is no longer a special case

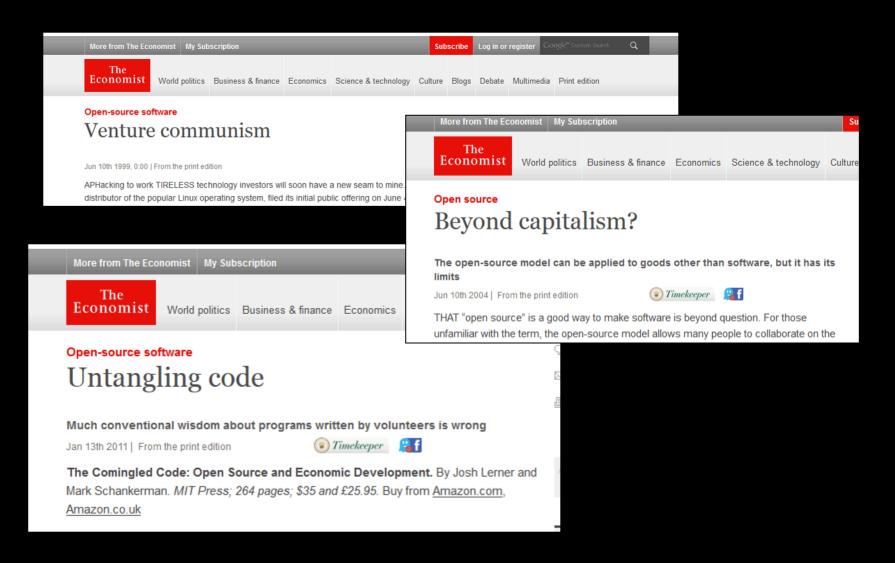
But "a" or "the" mainstream software development model

1997: Eric S. Raymond wrote *The Cathedral* and the Bazaar

- Release early. Release often. And listen to your customers
- Given enough eyeballs, all bugs are shallow." I dub this: ``Linus's Law".

- Chris diBona, et al. Open Sources: Voices from the Open Source Revolution (1999)
- Glyn Moody. Rebel Code: Linux and the Open Source Revolution (2001)
- Martin Fink. Business and Economics of Linux and Open Source (2002)
- Chris diBona, et.al. Open Sources 2.0: The Continuing Evolution (2005)

Even The Economist writes about it



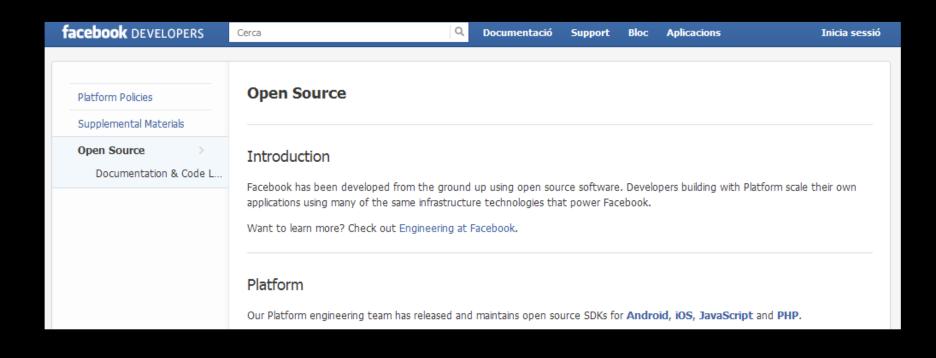
The economist 2004

"A force for good"

"Is open source really a new post-capitalist economic model?" In fact, open source might be said to be parasitic upon capitalism. IBM, for example, pays an army of programmers to work on Linux, both for the greater good and as a competitive ploy against Microsoft. And many people who contribute to open-source projects do so with the approval of (and using the resources of) their employers, be they universities or firms. Ultimately the open-source approach may prove to be symbiotic with capitalism. Computing firms including Novell, Sun and Apple are adopting hybrid models in which they "open source" (yes, it is a verb) some bits of some of their products."

Most if not all companies and governments are doing it

They not just end-users of FOSS, either on the desktop or on the server, but also intensively use Open Source in their software development projects - or have to make their software compliant with open source stacks



Home

Open Source

Introduction

Twitter is built on open source software, from the back-end to the front-end. Twitter engineers use, contribute to and release a lot of open source software. We of the Twitter Open Source Program Office support a variety of open source organizations and are grateful to the open source community for their contributions, and want to maintain our healthy, reciprocal relationship.

If you have questions or problems, please tweet us at @twitteross. For media inquiries, please go here ...

Development

If you're interested in the projects we have released, check out our official organization on GitHub.

If you want to stay up to date, please follow our official twitter account.



Code and Documentation Licensing

The majority of open source software exclusively developed by Twitter is licensed under the liberal terms of the Apache License, Version 2.0 . The documentation is generally available under the Creative Commons Attribution 3.0 Unported License . In the end, you are free to use, modify and distribute any documentation, source code or examples within our open source projects as long as you adhere to the licensing conditions present within the projects.

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CNET > Tech Culture > Gartner: 85 percent of enterprises using open source

Gartner: 85 percent of enterprises using open source

Gartner is worried about the 69 percent of enterprises who are adopting open source without its formal involvement.

Tech Culture

November 17, 2008 5:29 AM PST

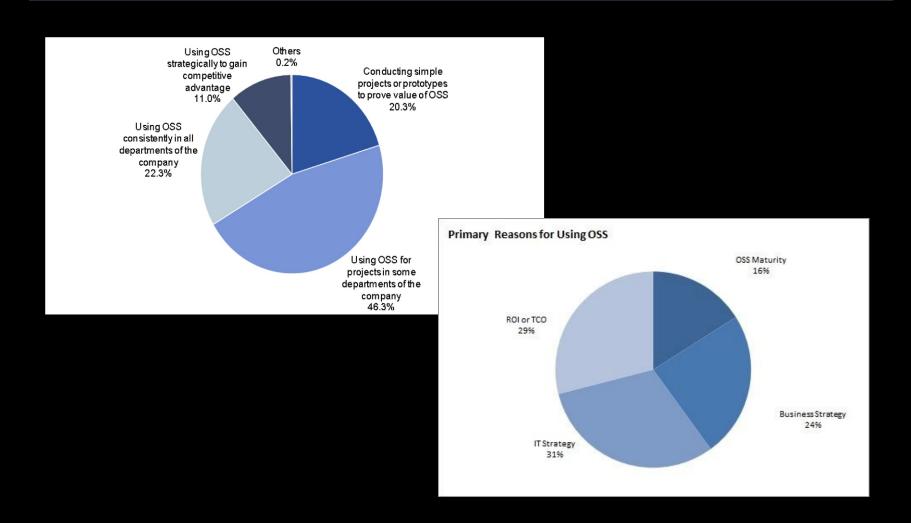
by Matt Asay

Admit it. When you read that headline - "Gartner: 85 percent of enterprises using open source" - you assumed that was a good thing, right? Who's afraid of enterprises saving a lot of money and getting much more flexible IT for their IT budgets?

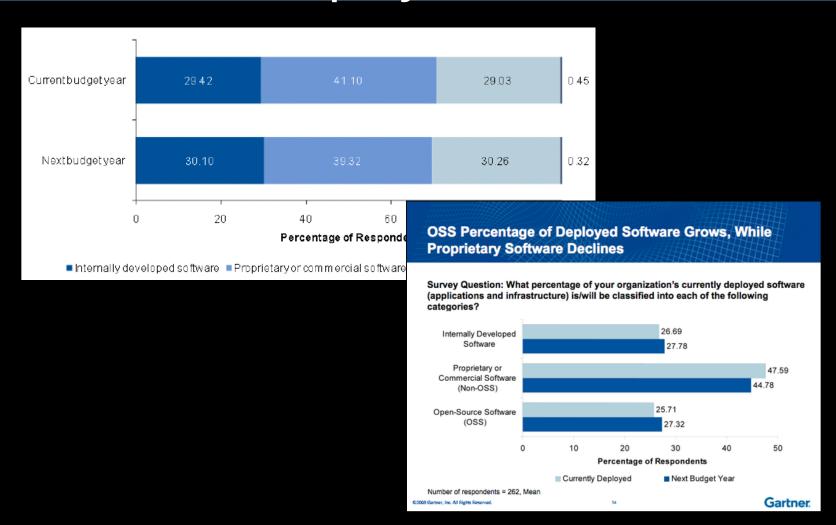
Gartner, apparently. According to Gartner, that widespread adoption is cause for alarm, as Glyn Moody rightly notes (and pillories). Somehow, Gartner assumes that if 85 percent are using open source and 69 percent don't have a formal open-source management team, the world is going to end.

As Moody notes, however, IT organizations have virtually *nothing* to worry about when adopting open source:

Gartner on FOSS use - 2011



Gartner on enterprise software deployment



Gartner's gone "bimodal"

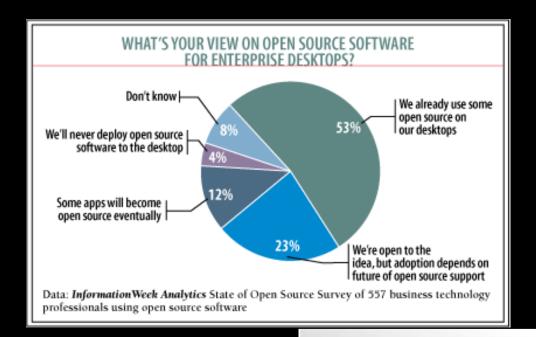
Implication – IT moves to a bimodal organization

Think

Marathon

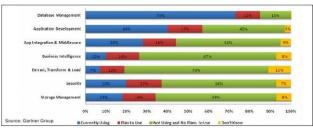
Runner

Mode 1 Mode 2 Reliability Goal Agility Price for Revenue, brand, Value performance customer experience Waterfall, V-Model, Agile, kanban, low Approach **Think** high-ceremony IID ceremony IID **Sprinter** Plan-driven, Empirical, continuous, Governance process-based approval-based Enterprise Small, new vendors, suppliers, long-term Sourcing short-term deals deals Good at Good at new and conventional **Talent** uncertain projects process, projects IT-centric, removed Business-centric, close Culture from customer to customer Long (months) **Cycle Times** Short (days, weeks) Gartner.



Open Source Database Adoption is Accelerating



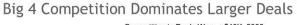


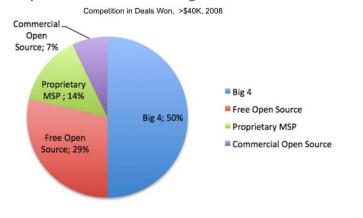
Red Hat Summit 2009 | Ed Boyajian

OPEN SOURCE

GROUNDWORK







- Big 4 (2/3 HP OpenView, 1/3 Tivoli) main competition
- Upgrading from Free Open Source (Nagios, Ganglia) next largest
- OpsView (Nagios-based, UK) only Commercial Open Source competition seen
- Zenoss & Hyperic not seen in larger deals

DJIA 7 17492.93 -0.05% S&P 500 7 2048.04 -0.21% Nasdag 7 4765.78 -0.08% U.S. 10 Yr A 2/32 Yield 1.836% Crude Oil 7 48.11 -0.62% Euro 7 1.1220 -0.01%

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🖛 Germany's Bayer Offers \$62 Billion in Cash for Monsanto

May 5, 2014 5:51 pm ET



Viacom CEO Files Suit to Block Changes to Redstone



Energy Future Contemplates Possible Competing Chapter II Plan



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CIO JOURNAL.



Open Source 'Eating' Software World: Samsung





By RACHAEL KING O COMMENTS

San Francisco, Calif. — Samsung Electronics Ltd. is aiming for more of a leadership role in various open source projects partially because so many of its products – from refrigerators to mobile devices—now depend on open source software.

"Today you can't build a product without using open source software," said Ibrahim Haddad, head of the open source innovation group at Samsung Research America, a subsidiary of Samsung Electronics. Open source software has become so pervasive that it's "eating" the software world, he said, tweaking a popular Silicon Valley maxim. Mr. Haddad spoke Monday at the Open Business Conference in San Francisco.

Samsung is going through a shift where there's more emphasis on software innovation and open source software is a faster path to innovation, said Mr. Haddad. Samsung needs CONTENT FROM OUR SPONSOR

Deloitte.

Business-led, Technology-enabled: Insight written and compiled by Deloitte

Stability, Agility: Finding IT's 'Right Speed'

Bridging the gap between traditional delivery models that work well for enterprise operations and models that work well for high-speed innovation can be difficult. A growing number of CIOs are tailoring their approaches—striking a balance between stability and agility in IT.

Please note: The Wall Street Journal News Department was not involved in the creation of the content above

"Today you can't build a product without using open source software," said Ibrahim Haddad, head of the open source innovation group at Samsung Research America, a subsidiary of Samsung Electronics.





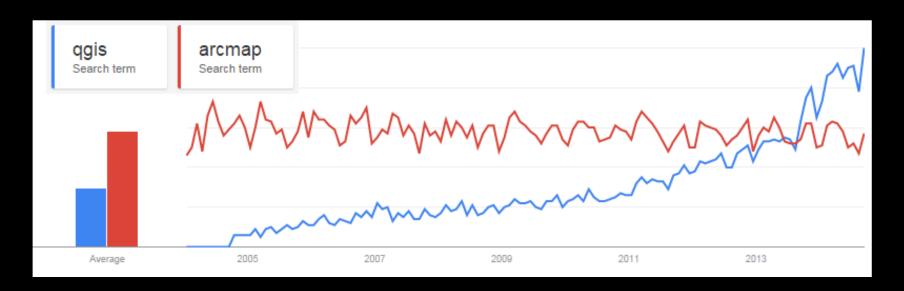
Novell.





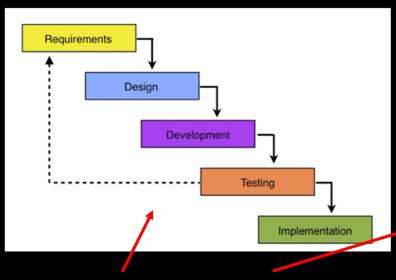
MOST IMPORTANT!

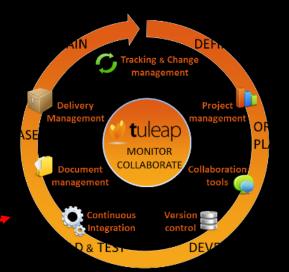
Google Searches 2014



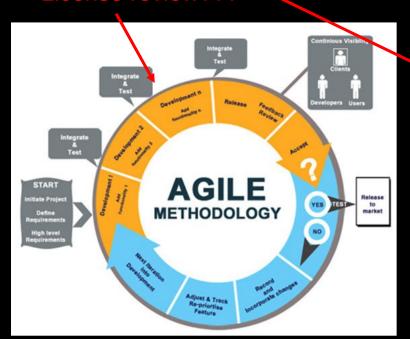
http://bigwaterconsulting.net/commercial-open-source-gis-comparison-report/

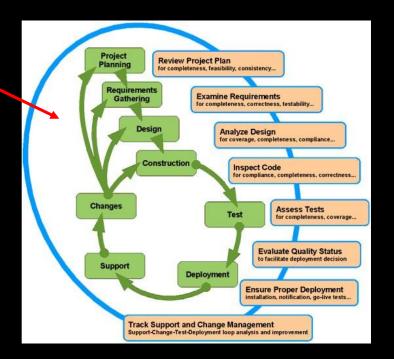
Management of the legal issues of open source can no longer been seen as a special case either, but fully integrated into the software development, testing and release cycle





License review???





- You thought licenses were complex?
- We've taken the legal aspects of FOSS to the "next level"

Open source Legal tools!





l accept

A number of tools have been set up to support this legal management, and aid compliance with FOSS licensing obligations

Anyone developing FOSS should be aware of and become proficient in these

 Fossology, SPDX, the BAT, OpenChain, License choosers and License calculators,

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Home > Programs > Legal Programs > Open Compliance > Compliance Tools

Compliance Tools

Introduction

This page highlights compliance tools developed by or sponsored by The Linux Foundation and encourages community involvement in the tools' evolution. The tools developed by The Linux Foundation that are described below are licensed under the MIT license. A copy of the license is included as part of the source code package.

Secondarily, this page will list other open source tools of value to the compliance process and commercial tools that may be of interest. If your company or organization has a tool you would like listed, please contact the Open Compliance Program at compliance@linuxfoundation.org.



FOSS Bar Code Tracker

The FOSS Bar Code Tracker, available under the MIT license, simplifies the way FOSS components are tracked and reported in a commercial product. The tool allows companies to easily generate a custom QR code for each product containing FOSS. The QR code contains important information on the FOSS stack contained in a product, such as component names, version numbers, license information and links to download the source code, among other details.

Access source code via git: http://git.linuxfoundation.org/foss-barcode.git

Subscribe to the mailing list: $\underline{\text{http://lists.linuxfoundation.org/mailman/listinfo/foss-barcode}}$

File bugs or feature requests via bugzilla: http://bugs.linuxfoundation.org



LF listed tools

Linux Foundation tools

- FOSS Bar Code Tracker: custom QR code for each product containing FOSS
- Dependency Checker Too: identifying code combinations at the dynamic and static link level
- Code Janitor Tool: linguistic review
- SPDX: tagging software packages
- OpenChain: guidelines for compliance programs.





Other great tools

Binary Analysis Tool

 Analyses binaries (mainly Linux, but other stuff) to identify code snippets leading to licensing information

FOSSology

Software source code scanner - license and copyright discovery

SPDX

 standardize their bills of material to ease the discovery and labeling of open source components

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The Binary Analysis Tool (BAT) makes it easier and cheaper to look inside binary code, find compliance issues, and reduce uncertainty when deploying Free and Open Source Software. It is a modular framework that assists compliance and due diligence activities by using the same type of approach applied by copyright holders to discover issues in consumer electronics. BAT is available for free under the Apache license so that everyone can use, study, share and improve it.

BAT can open more than 30 types of compressed files, file systems and media files, search for Linux kernel and BusyBox issues, identify dynamically linked libraries and scan arbitrary ELF, Android Dalvik and Java class files using a database with information extracted from source code to find out what software is inside.

Version 25 of the tool was released on March 29 2016.

- Learn more about the Binary Analysis Tool
- Learn more about the people behind the tool
- See a video of the tool in action
- Download the tool
- Read the documentation
- Get involved
- Got questions?

The Binary Analysis Tool was created by <u>Tjaldur Software Governance Solutions</u> and <u>Opendawn</u>. It is currently maintained and further developed by <u>Tjaldur Software Governance Solutions</u>. Initial development was sponsored by <u>NLnet Foundation</u>, and further development has been sponsored by <u>Linux Foundation</u>. Development of security analysis features has been made possible through a joint grant from NLnet foundation and the programme "veilig door innovatie" from <u>NCTV</u>.

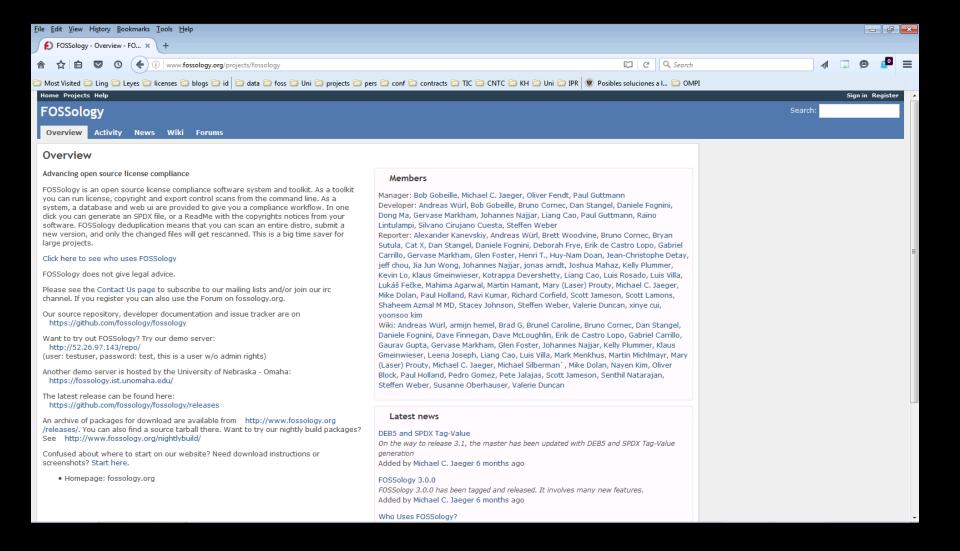
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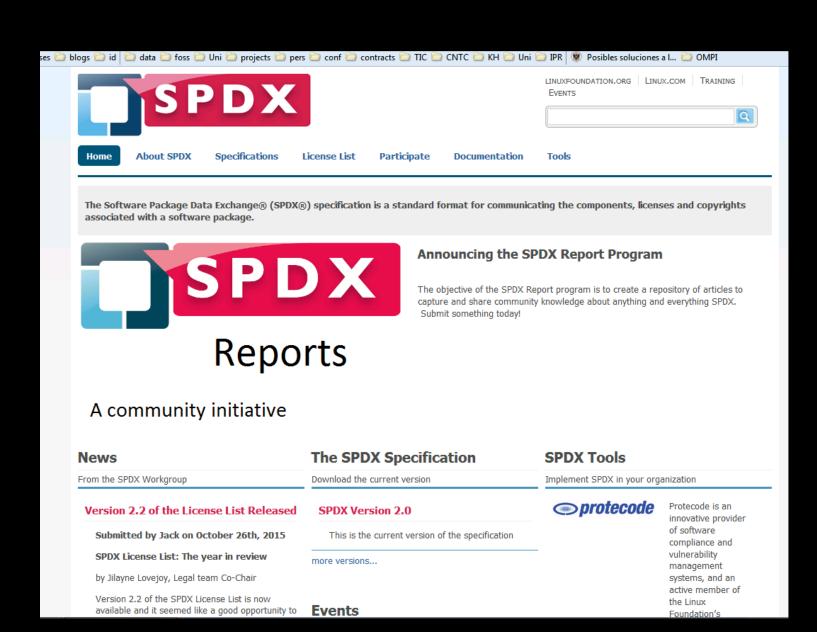
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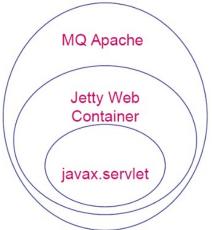
SPDX

- What is the SPDX Specification?
 - The SPDX Specification enables suppliers and consumers of software that contains open source code to provide a "bill of materials" that describes the open source licenses and components that are included. The specification defines a common file format to communicate this information.
- Who do you expect to use the SPDX Specification?
 - The specification is designed for use by participants in the software supply chain. Some potential use cases for the spec:
 - Developers of open source projects could provide an SPDX file to users of that project
 - Linux distros could require upstream projects that are included in the distro to provide an SPDX file
 - Developers of software that includes a Linux distro or open source project could provide an SPDX file to their users or customers
 - In the mobile industry, chipset providers, mobile providers and carriers could exchange SPDX files as software moves through the supply chain

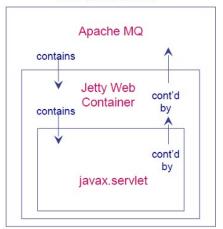


SPDX handles Package Relationships

Package



SPDX Doc





SPDX® license repo

License Identifier	Recognized Exceptions	Full name of License
AFL-3:0		Academic Free License 3.0
AGPL-5:0		(GNU) Affero General Public License x3
APL.		Adaptive Public License
ASL-2.0		Apache License, 2.0
APSL-2.0		Agple Public Source License 2.0
Artisto-2.0		Artistic Fourse 2.0
AAL		Attribution Assurance License
BSD-4-Cleuse		BSD 4-clause "Original" or "Old" License
BSD-5-Clause		BSD 3-clause "New" or "Revised" License
BSD-2-Cleum		BSD 2-clease "Simplified" or "FreeBSD" License
BSL-1.0		Boost Software License 1.0
CATOSL-1.1		Computer Associates Trusted Open Source License 1.1
OC-8Y-1.0		Creative Commons Attribution 1.0
OC-8Y-NC-1/0		Creative Commons Attribution Non Commercial 1.0
CC-8Y-ND-1/0		Creative Commons Attribution No Derivatives 1.0
CC-8Y-SA-1.0		Creative Commons Attribution Share Alike 1.0
OC-8Y-NO-ND-1.0		Creative Commons Attribution Non Commercial No Derivatives 1.0
OC-8Y-NO-SA-1.0		Creative Commons Attribution Non Commercial Share Alike 1.0
CC-8Y-2.0		Creative Commons Attribution 2.0
OC-BY-NO-2:0		Creative Commons Attribution Non Commercial 2.0
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DC-BY-NC-ND-2.0		Creative Commons Attribution Non Commercial No Derivatives 2:0
CC-8Y-NC-8A-2.0		Creative Commons Attribution Non Commercial Share Alike 2.0

The SPDX License List

- List of most common licenses (300+)
 Include common exceptions
- · Standardized license names
- · Exact text of licenses
- Available on SPDX® website URLs won't change
- License Matching Guidelines used for the purposes of matching licenses against those included on the SPDX License List
- · License Templates
 - denote license text which is optional or replaceable per the license matching guidelines



SPDX information en Spreadsheet format

Microsoft Excel - time-1.7.tar.gz.xls [Sólo lectura]								
Archivo Edición Ver Insertar Formato Herramientas Datos Ventana ?								
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	ile Name	6.2 File Type	6.3 File Checksum	6.4 License Concluded	6.5 License Info In File	6.6 License Comments	6.7 Copyright Text	6.8 Ar
/time-1.7/error.c		SOURCE	97BFD964AAE09D71B7FA 89BD48B2110CB8D3E12D	GPL-2.0+	GPL-2.0+		copyright (c) 1990, 91, 92, 93, 94, 95, 96 free software foundation, inc.	
/time-1.7/getopt.			4EEC2F371CDEA3FA5F96 A37B44B200445609BC75	GPL-2.0+	GPL-2.0+		copyright (c) 1987, 88, 89, 90, 91, 92, 93, 94, 95, 1996	
/time-1.7/getopt.		SOURCE	512169AACCCCC1C0FE20 DE76AF4A5FF347AACC05	GPL-2.0+	GPL-2.0+		copyright (c) 1989, 90, 91, 92, 93, 94 free software foundation, inc.	
/time-1.7/getopt1		SOURCE	177C2F08AAD7203FA875A E63C0EC92FBB3C9F600	GPL-2.0+	GPL-2.0+		copyright (c) 1987, 88, 89, 90, 91, 92, 1993, 1994	1
/time-1.7/mdate-		SOURCE	7A4FCB88FD92B03E9DD6 9F04DBA7ED442B33086C	GPL-2.0+	GPL-2.0+		copyright (c) 1995 software foundation, inc.	
/time-1.7/resuse		SOURCE	3860D431A5DBA8146B119 952E4262A4A3EB4B8C6	GPL-2.0+	GPL-2.0+		copyright (c) 1993, 1996 free software foundation, inc.	=
/time-1.7/resuse	h	SOURCE	FCF57D1F09B29D241D462 E044A671E25BBEE4173	GPL-2.0+	GPL-2.0+		copyright (c) 1993, 1996 free software foundation, inc.	
/time-1.7/time.c			712D7F9DFDE674283596A E2088550E3FF23AE1BA	GPL-2.0+	GPL-2.0+		copyright (c) 1990, 91, 92, 93, 96 free software foundation, inc.	
/time-1.7/wait.h			821331AD27B49E2C341D7 761BCCFD77152B1031D	GPL-2.0+	GPL-2.0+		copyright (c) 1990 free software foundation, inc.	
/time-1.7/Makefil			8B548F3A4C3719B30E0A5 DB65DD53ADBDA180DB0	LicenseRef-2	LicenseRef-2		copyright (c) 1994, 1995, 1996 free software foundation, inc.	
/time-1.7/install-		SOURCE	C5C249A2DD763530AE65D 28BC1C64BB754CD0750	MIT	MIT		copyright 1991 by the massachusetts institute of technology	
/time-1.7/getpag	esize.h	SOURCE	1EF18700B72387BF632269 5BB1AEC2CA5E18CB00	NOASSERTION	NONE		NOASSERTION	
/time-1.7/port.h		SOURCE	966E3DC7BAE8B140BEDC 52D8F3AB3A87F1815656	NOASSERTION	NONE		NOASSERTION	
/time-1.7/versior			8093E0E529387817B26052 3CF90A392FE9D0C209	NOASSERTION	NONE		NOASSERTION	
/time-1.7/Makefil		SOURCE	013F7D712AEFD2409A231 0714257AD77E62CA205	NONE	NONE		NOASSERTION	
/time-1.7/COPYI			075D599585584BB0E4B52 6F5C40CB6B17E0DA35A	GPL-2.0	GPL-2.0		copyright (c) 1989, 1991 free software foundation, inc.	
/time-1.7/texinfo	tex	OTHER	E3A7D7A426D5B970F5356 1F73DF9929F8D35CC7F	GPL-2.0+	GPL-2.0+		maintained, even if it is never used.	
/time-1.7/mkinst	alldirs		8BC81B299F7F9A483A21A E36C7A5661D832974EF	LicenseRef-PublicDomain1	LicenseRef-PublicDomain1		author: noah friedman <friedman@prep.ai.mit.edu></friedman@prep.ai.mit.edu>	
/time-1.7/time.in	O	OTHER	F4373161D4E5C152C97000 0E5CAD9E6316060E5F	LicenseRef-1	LicenseRef-1		copyright (c) 1991, 92, 93, 96 free software foundation, inc.	
4 ▶ H 2.0 Doc Ir	fo / 3.0 Creation Info /	4.0 Package Info / 5	.0 Other Licensing \(\) 6.0 File I	nfo 7.0 Reviewer Info			III .	ь.

Protecode is an innovative provider of software compliance and vulnerability management systems, and an active member of the Linux Foundation's Software Package Data Exchange (SPDX) group..



The Source Auditor Scanning Tool scans source code for open source code snippet matches, license matches, and copyright text matches.

WIND RIVER

A free service that generates an SPDX file from your uploaded software package.



A comprehensive, automated approach to open source governance and compliance, helping organizations maximize the benefits of open source.

Community-Maintained Tools

TripleCheck Reporter

Straight-forward free tool to create SPDX reports right from your desktop.

Yocto+SPDX

The Yocto+SPDX project is built to integrated SPDX generation into the Yocto build process.

FOSSology+SPDX

The FOSSology+SPDX project is built using the FOSSology project. The goals are integrating the FOSSology output with the SPDX standard. Existing modules include creating an SPDX file in TAG format, licenses/copyrights information in NOTICE format. The project and was created and is hosted at the University of Nebraska at Omaha. FOSSology+SPDX is licensed under Apache License 2.0 (Apache-2.0).

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- Maven License Plugin
- Eclipse Copyright Tool, Copyright Wizard
- Gradle reports
- http://choosealicense.com/
 https://github.com/blog/1530-choosing-an-open-source-license
- CENATIC license calculator

Licenses

Unknown: backend-services

LGPL 2.1: Javassist

New BSD License: Hamcrest Core

Common Public License Version 1.0: JUnit

Dependency File Details

Filename	Size	Entries	Classes	Packages	Java Version	Debug Information
javassist-3.12.0.GA.jar	633.3 kB	384	360	17	1.4	Yes
junit-4.11.jar	245 kB	266	233	28	1.5	Yes
hamcrest-core-1.3.jar	45 kB	52	45	3	1.5	Yes
Total	Size	Entries	Classes	Packages	Java Version	Debug Information
3	923.4 kB	702	638	48	1.5	3
test: 2	test: 290.1 kB	test: 318	test: 278	test: 31	-	test: 2
provided: 1	provided: 633.3 kB	provided: 384	provided: 360	provided: 17	-	provided: 1

Dependency Repository Locations

Repo ID	URL	Release	Snapshot
snapshots	http://dorian2.lt.lg/artifactory/libs-snapshot 🕏	Yes	Yes
central	https://repo.mayen.apache.org/mayen2 📽	Yes	No

Repository locations for each of the Dependencies.

Artifact	snapshots	central
javassist:javassist:jar:3.12.0.GA	△ 🖒	△ 🗈
junit-junit-jar-4-11	A 10	A m



Tools... and processes!

- Create a FOSS Policy
- Read OpenChain
- Use Contributor policy
- Publish checklists, Data Sheets for Developers
- Review sensitive areas
 - App development compliance
 - Supply chain management



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The 2016 Open Source Jobs Report: Companies Hungry for Professional Open Source Talent

By Linux_Foundation - May 5, 2016 - 1:00pm

Fifth annual report expands scope beyond Linux to examine what motivates open source professionals and how companies are attracting and retaining this in demand

NEW YORK and SAN FRANCISCO, May 5, 2016 — Recruiting open source talent is a top priority for hiring managers focused on recruiting technology talent, and recruiters are increasingly looking for more professional training credentials from their candidates. According to the 2016 Open Source Jobs Report released today, 65 percent of hiring managers say open source hiring will increase more than any other part of their business over the next six months, and 79 percent of hiring managers have increased incentives to hold on to their current open source professionals.

This is the fifth year Dice®, the leading career site for technology and engineering professionals, and The Linux Foundation, the nonprofit advancing professional open source management for mass collaboration, are partnering to produce the jobs report. The four previous years' research focused exclusively on the job market for Linux professionals. As open source software has become an ever increasing footprint in technology infrastructure and end products, it is important to understand the opportunities and challenges associated with the overall open source talent market. As a result, the organizations are expanding the report this year to examine the broader job market for open source professionals. While this means comparisons to past years' results are not exact, the data is more broadly relevant to a larger pool of professionals and hiring managers.

The 2016 Open Source Jobs Survey and Report provides an overview of the trends for open source careers, motivation for professionals in the industry and how employers attract and retain qualified talent.

Key findings from the 2016 Open Source Jobs Survey and Report include:

Open source talent is one of the top priorities for recruitment this year. Fifty-nine percent of hiring managers say they'll add more open source professionals to
their ranks in the next six months. This is an increase when compared to last year's Linux-specific jobs report, which found 50 percent planning to add Linux talent during
the same time period.

Key findings from the 2016 Open Source Jobs Survey and Report

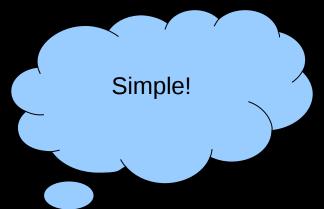
- Open source talent is one of the top priorities for recruitment this year. Fifty-nine percent of hiring managers say they'll add more open source professionals to their ranks in the next six months.
- DevOps is among the most sought after skills in the industry. Fifty-eight percent of hiring managers are seeking DevOps professionals while the need for developers remains the top position on their list at 74 percent. Open source professionals also feed this trend as 13 percent of the surveyed identified DevOps as the most in-demand skill today more than any other category.
- Networking is a leading emergent technology. As the second most indemand knowledge area, 21 percent of hiring managers say networking has the biggest impact on open source hiring. The only higher category, at 51 percent of surveyed hiring managers, is knowledge of OpenStack, CloudStack and related cloud technologies.
- Open source professionals are driven to innovate and collaborate. Only two percent of professionals stated that money and perks were the best thing about their jobs. Working on interesting projects tops the list with 31 percent, while working on the most cutting-edge technology challenges (18%) and collaborating with a global community (17%) are also high on open source professionals' lists.

You are hot!!!

- Which skills have the biggest impact on open source hiring? The report outlines a few skills hiring managers say are in demand, such as:
 - Development: 74% have openings for developers.
 - Application development: 60% are seeking application development expertise.
 - DevOps: 58% need DevOps talent.
 - Cloud: 51% want candidates with OpenStack and CloudStack experience.
 - Networking: 21% are looking for new hires with networking skills.
 - Security: 14% need security pros.
 - Containers: 8% are seeking candidates with container experience
 - Legal knowledge: 100% want candidates with knowledge of licensing and legal assistance tools (interviewee: Malcolm Bain)

DevOps → DevELOps

- EL = excellence in licensing
- EL = enterprise legal awareness
- (EL = elegant lawyer)





Cheers!

(Get coding....)

