

Skype's Bag of Legal Tricks

What to expect when you publish

General disclaimer

Caution. I am not a lawyer. All materials used are copyright of their respective owners and used here for informative or education purposes only. Presentation is provided "as is" without any warranties.


Why?

- We want to be sure on what the software does
- We are by law entitled to understand the protocol and other concepts of *our* software (“fun” and “education”)
- Team-work is much easier without hiding yourself and your work
- Speaking openly about your project allows you to recruit other interested participants

When Skype finds out

- You get an overnight signed-for notification asking to sign ...
this ...

I hereby confirm that I have obtained certain components of Skype's source code (hereafter referred to as the "Source Code and other Components"). I understand that I am not entitled to use, copy, transfer or otherwise deal with the Source Code and other Components without Skype's express consent, and that Skype has not given any such consent.

At Skype's express request, I hereby confirm that I have returned all the Source Code and other Components to Skype by sending a file transfer to 

I hereby confirm that I have erased from my computer systems and from any other hard drives or other electronic storage devices all copies of any Source Code and other Components.

I hereby confirm that I have not provided any copies of any Source Code and other Components to any other persons, except as listed in Annex 1 below.

I hereby irrevocably undertake to Skype that I will not hereafter in any manner whatsoever use, copy, transfer or otherwise deal with the Source Code and other Components without Skype's express written consent.

I further hereby irrevocably undertake to Skype that I will provide all necessary co-operation and assistance to Skype, at Skype's request, in order to ensure that the Source Code and other Components are protected from further disclosure and misuse.

What now?

- Stay calm
- Call your lawyer, if you have one
- Do not fill any “consent forms” they send you
- If you signed for the receipt of the letter, don't even think about ignoring it

Dear [REDACTED]

I have no intention to act illegally and I understand that Skype source code is protected by copyright law.

I have to point out that you are mistaken and **I am not in possession of any parts of Skype source code** or components, except the file freely and publicly available at this address as published by Skype: http://download.skype.com/linux/skype-ubuntu-intrepid_2.1.0.81-1_i386.deb . Also I am in possession of files derived from this archive by such methods as installing Skype on a computer and running Skype. I do not knowingly have in my possession any other material copyrighted by Skype.

Acting in good faith I believe that aforementioned files are not the “Skype source code” you talked about in your letter.

In case I am mistaken, and the copyright holders really do want me to send the files (.deb archive available on download.skype.com and the files derived from it) over to them and delete them from my systems, I would ask you to present me with a written proof that you are authorized on behalf of the copyright holders to ask to remove these publicly available files from my system and provide me with writeable optical medium and a courier to deliver the files to you.

I am ready to cooperate to avoid any unnecessary procedures, since I have nothing to hide regarding this matter. In case you have any further questions or need more explanations **concerning** my alleged possession of Skype intellectual property, please contact me by post.

Reaction

- Thank you for your cooperation
- Let's talk by e-mail/phone/whatever

Communicate only in writing

As stated previously I would be happy to assist Skype by answering any questions they have regarding Skype intellectual property to the extent where this concerns me.

In order to help your client in a timely manner I ask them to send an enquiry as soon as possible including specific questions related to this matter by post only. Unfortunately I have to emphasize that **I currently cannot accept any other form of communication** regarding this matter.

Answer their enquiries

- If they ask you to explain how you did what you did,
 - Explain it to them:

1. download the archive;
2. install Skype by double clicking on the archive;
3. launch Skype;
4. at this point the strings should reside either in RAM or HDD of one's computer;
5. RAM and HDD of one's computer can be accessed via the respective UNIX inodes.

Or don't...

- “I can't give you the requested information, because your request violates <some law>”
- “Please show proof that you're entitled to this”
- “Please specify what is exactly what you want”
- In case you enjoy frivolous lawsuits, you might want to try the PirateBay approach :)

Stay in your jurisdiction

- Inform them what jurisdiction IYO you're in
 - Even if that does not matter now you might need that later
 - If there are significant differences do not go any further before the question about the jurisdiction is settled

Attack! (1/3)

- In a separate communication pose questions and accuse them of
 - Making vain legal threats
 - Illegal processing of your data
 - Anything else they did
- Don't try to accuse them of stuff they have not done
 - It's a crime in some jurisdictions

Attack! (2/3)

- Contact the respective Bar Association and express your concern
 - Make sure to include your address for processing
 - “I hereby allow you to store and process my <address> for the sole purpose of communicating with me regarding this complaint. You are not permitted to give this address or any other of my personal information to any third parties.”

Attack! (3/3)

- Complain to your Data Protection Agency
- File a criminal case with the prosecution
 - Only if you truly believe they've committed a criminal offense (and you have written proof or witnesses)

Parties

- Skype (software owner)
 - Станислав Карчебный, Linux C++ devel
 - Andrew Macks, Linux UI devel
 - Adrian Asher, Chief Information SO
- Vinge (their lawyers)
 - In Sweden, Belgium, Hong Hong, China
- Different government institutions
- Some parties yet unknown to me at this time

Solution for wimps

- Work alone
- Don't talk to Skype about your work
- Publish anonymously
- Don't present your results at conferences
- Don't receive or address follow-up questions
- Hire bodyguards just in case :)

Solution for heroes

- When working on project – have a legal *geek/hacker* with you
- If it's a thesis / scientific publication make it a cross-subject research: CS & law
- Involve Skype people early
 - Do not talk with them online
 - Involve other parties on your side
- Be in control of the process

Skype's Bag of Legal Tricks

By Kirils Solovjovs

- More info:
 - kirils@jabber.org
 - research@kirils.org
 - <http://kirils.org/skype>

IANAL

All materials used are copyright of their respective owners and used here for informative or education purposes only