

# ECLIPSE.ORG FOUNDATION, INC.

## MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

(SEPTEMBER 16, 2020)

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A Meeting of the Board of Directors (the “*Board*”) of Eclipse.org Foundation, Inc., a Delaware corporation (the “*Corporation*”), was held as a regularly scheduled conference call.

Present at the meeting were the following Directors:

Present	Director	Organization
Y	Adam Gibson	Konduit
Y	Bryan Che	Huawei
Y	Chris Aniszczyk	Elected Committer Representative
Y	Dani Megert	Elected Committer Representative
Y	Deborah Bryant	Red Hat
Y	Ed Merks	Elected Committer Representative
Y	Etienne Juliot	OBEO
Y	Farah Papaioannou	Elected Sustaining Representative
Y	Gunnar Wagenknecht	Elected Sustaining Representative
Y	Jim Wright	Oracle
Y	Kenji Kazumura	Fujitsu
Y	Matthias Sohn	SAP SE
N	Navin Ramachandran	IOTA Foundation
Y	Pradeep Balachandran	IBM
N	Robert Hilbrich	DLR
Y	Sebastien Girard	CEA List
Y	Steffen Evers	Bosch
N	Tom Ritter	Fraunhofer FOKUS
Y	Torkild Ulvøy Resheim	Elected Sustaining Representative

Present at the invitation of the Board were Mike Milinkovich, Executive Director, and Paul White, Secretary/Treasurer of Eclipse.org Foundation, Inc. Also at the invitation of the Board, Kevin Sutter of IBM joined the meeting.

## GENERAL BUSINESS

### Minutes

Mike Milinkovich introduced a discussion of the full and abridged minutes of the August 19, 2020 Board Meeting, attached as Appendix A. With Gunnar Wagenknecht abstaining, the Board passed the following resolution:

RESOLVED, the Board approves the minutes of the August 19, 2020 Board Meeting as circulated.

### Assignment of Stewardship of the Eclipse Public License to Eclipse Foundation AISBL

Mike Milinkovich brought up the topic of, as part of the ongoing corporate restructuring, to have Eclipse Foundation, Inc. assign the stewardship of the Eclipse Public License to Eclipse Foundation AISBL. Mike explained that each open source license has an organization designated as the steward of that license, and that, while largely symbolic, having Eclipse Foundation AISBL assume this role seems a natural step as part of our restructuring. Mike noted this will not require a change to the language of the license itself or force the creation of a new version of the license, as the text references only Eclipse Foundation, and is non-specific regarding the specific corporation.

After discussion, the Board agreed that it was in general agreement with the proposal, and that it would revisit this topic to take a decision at a future meeting, once the Eclipse Foundation AISBL is fully operational.

### Update on Eclipse Adoptium Project

As an update from the August, 2020 meeting, Mike Milinkovich informed the Board that progress continues to be made regarding Eclipse Foundation negotiating a license agreement with Oracle for use of the Java SE TCKs, and that it is his hope to have a final version to the Board for their consideration very soon.

Mike did point out that, with respect to the Board's general comments at the August meeting regarding the confidentiality terms of the Agreement as it would impact those individuals and organizations who would be using the TCKs on behalf of the Foundation, Mike reported that Oracle and Eclipse Foundation have found a way to address the business requirements of both parties in a manner that avoids the confidentiality requirement. Mike stated he felt this was useful, and hopefully addressed one of the major concerns raised by the Board.

### Update on the OpenVSX Registry

Mike Milinkovich reminded the Board that at the March 2020 Board meeting, the Board approved a set of open source licenses under which extensions being published to the OpenVSX Registry could be posted. Mike explained the project team has since requested that the Board

reconsider broadening the acceptable licenses to allow for both open source and proprietary licenses, with the intent of encouraging more widespread adoption and enhancing the usefulness and competitiveness of the Registry. Mike reminded the Board the OpenVSX Registry differs from Eclipse Marketplace in that, unlike the Marketplace which is essentially a catalogue and thus downstream users do not download plug-ins directly from the Marketplace, downstream users will download extensions directly from the Registry.

After discussion, Mike agreed to come back to the Board with a specific proposal for their consideration at the October 2020 Board meeting.

The meeting was adjourned.

**Action Items:**

Mike Milinkovich agreed to return to the Board with specific proposals relating to both the stewardship of the EPL and a modification of the licensing restrictions for the OpenVSX Registry.

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There being no further business to discuss, the meeting was adjourned.

This being a true and accurate record of the proceedings of this Meeting of the Board of Directors held on September 16, 2020, is attested to and signed by me below.

/s/ Paul White  
Secretary of Meeting