

DATE: [Insert Date]

TO: [Insert Name/Department, e.g., Chief Technology Officer / Legal Department]

FROM: [Insert Name/Title]

SUBJECT: ADVISORY: Legal Liability and Exposure Regarding Open Source Contamination

Dear [Recipient Name],

This letter serves as a formal advisory regarding the potential legal and operational risks associated with "Open Source Contamination" within our proprietary software codebase.

1. Nature of the Risk

Open source contamination occurs when software licensed under restrictive or "copyleft" licenses (such as the GNU General Public License or GPL) is integrated into our proprietary systems without strict adherence to license terms. This can trigger a "viral" effect, potentially requiring us to release our proprietary source code to the public.

2. Key Legal Liabilities

- **Injunctions:** Courts may issue orders to stop the distribution of our products until full compliance is met.
- **Copyright Infringement:** Failure to comply with license terms voids the right to use the code, leading to statutory damages.
- **Loss of Intellectual Property:** Proprietary algorithms may lose their trade secret status if forced into the public domain.
- **Contractual Breaches:** Our agreements with clients often guarantee that our software is free of third-party encumbrances. Contamination may trigger indemnification clauses.

3. Proposed Mitigation Strategy

- **Audit:** Conduct a comprehensive Software Bill of Materials (SBOM) scan to identify all third-party components.
- **Policy Implementation:** Establish a formal Open Source Software (OSS) Policy governing the approval and use of external libraries.
- **Remediation:** Replace or re-factor code identified as high-risk (e.g., AGPL or GPL v3) in commercial products.

4. Conclusion

Unmanaged use of open source software represents a significant threat to the company's valuation and legal standing. We recommend an immediate review of our current development workflows to ensure long-term compliance.

Please acknowledge receipt of this advisory. We are available to discuss the next steps for a formal compliance audit.

Sincerely,

[Your Signature]

[Your Printed Name]

[Your Title]