

# High Barratry

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TTTO: *High Barbary (trad)*

This really needs an introduction that mentions both The SCO Group, originally a Linux distributor called Caldera that changed their name when they got delusions of grandure and started suing their customers over bogus IP claims, and barratry, which is what they were doing.

C
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F
G  
 Of a company called S-C-O, the tale I'll briefly tell  
C
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 With *G-P-L*, our software all is free  
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C
F
C
G
C
F  
 Who turned their hands to barratry when software wouldn't sell  
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C
G
F
C
G
C  
*Sailing through the legal straits of High Barratry*  
 "And are you selling Linux or old Unixware?" said we  
 With *GPL*, our software all is free  
 We're the owners of all Unix come demanding of our fee!  
*Sailing through the legal straits of High Barratry*  
 You've stolen code from System V and given it away  
 With *GPL*, our software all is free  
 So buy licences for Linux, or we'll sue and make you pay  
*Sailing through the legal straits of High Barratry*  
 They first sued IBM over a million lines of code  
 With *GPL*, our software all is free  
 Though a subroutine or two from BSD was all they showed  
*Sailing through the legal straits of High Barratry*  
 Well, RedHat sued them next so they went gunning for Novell  
 With *GPL*, our software all is free  
 Autozone and Daimler-Chrysler soon were on their list as well  
*Sailing through the legal straits of High Barratry*  
 Then lawsuit and lawsuit we fought for many a day  
 With *GPL*, our software all is free  
 'Till the research done at Groklaw<sup>2</sup> blew their cases clean away  
*Sailing through the legal straits of High Barratry*  
 Oh, please buy us out, the SCOUNdrels made their plea  
 With *GPL*, our software all is free  
 But the buyout that they'll get is in a court of bankruptcy  
*Sailing through the legal straits of High Barratry*  
 And oh, it was a sorry thing to hear them rant and roar  
 With *GPL*, our software all is free  
 With their options underwater as their stock sank through the floor  
*Sailing through the legal straits of High Barratry*  
 Though they started as Caldera selling Linux long ago  
 With *GPL*, our software all is free  
 Soon a huge volcanic crater will be all that's left of SCO  
*Sailing through the legal straits of High Barratry*

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<sup>2</sup><<http://www.groklaw.net/>>  
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(From Wikipedia<sup>3</sup>, the free encyclopedia.)

Two legal concepts go by the name barratry: one in criminal and civil law, the other in admiralty law.

In criminal law, barratry is the act or practice of bringing repeated legal actions solely to harass. Usually, the actions brought lack merit. This action has been declared a crime in some jurisdictions.

In admiralty law, barratry is a fraudulent act committed by a master or crew of a vessel which damages the vessel or its cargo, including desertion, illegal scuttling, and theft of the ship or cargo.

So if you sell your cargo in the Barbados, pocket the loot, and tell the ship's owner that the pirates got it, that's barratry.

The company currently going by the name of "The SCO Group" was once a Linux distributor called "Caldera"; they changed their name after buying what they claim are the rights to the Unix operating system from the Santa Cruz Operation, which apparently bought the distribution rights to Unix System V from Novell, who in turn bought it from AT&T. Confused yet? So were they. Somehow they imagined that this gave them control over every piece of code that someone else had once added (as a separate module) to a version of Unix and then later added, independently, to a version of Linux. They then proceeded to demand a license fee for the commercial use of Linux. Ironically, they continued to offer Linux source code, as required by the General Public License (GPL), for free on their FTP site.

At the time this song is being written the various cases are still in litigation; the horrible details can be found at Pamela Jones' excellent blog, groklaw.net<sup>4</sup>. But IBM's lawyers aren't called the Nazgul for nothing, and the same Internet-based techniques developed for free software projects are highly effective at organizing anything from an impromptu picnic to an informal but highly effective legal research team. The SCO Group is widely expected to end up roughly as it began, as a Caldera.

<sup>3</sup><<http://en.wikipedia.org/wiki/Barratry>>

<sup>4</sup><<http://www.groklaw.net/>>