

CONDIZIONI DI LICENZA

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I. **Contratto di licenza in riferimento all'impiego del software Feller HS**

Qui di seguito sono esposte le condizioni contrattuali applicabili fra la Feller AG, Bergstrasse 70, 8810 Horgen, Svizzera ("**licenziante**") e l'utente ("**licenziatario**") di un dispositivo Feller HomeServer oppure di un dispositivo FacilityServer (che consiste di un dispositivo hardware e del corrispondente Firmware) ("**dispositivo(i) HS**") in relazione all'impiego del software oggetto del contratto.

In virtù dell'accettazione del presente contratto e dell'installazione del software per dispositivi HS oppure della messa in funzione di un dispositivo Feller HS il licenziatario dichiara di concordare con le disposizioni del presente contratto.

1

Oggetto del contratto

Il presente contratto è valido in relazione al software di un dispositivo HS messo a disposizione del licenziatario da parte del licenziante e più precisamente in relazione al server software, ai software HS-Client e QuadClient, nonché in relazione ai corrispondenti tools di messa in esercizio e di update, con inclusione di tutte le documentazioni predisposte in forma scritta o elettronica (tutti i prodotti software qui citati in seguito comunemente denominati "software Feller HS"). Il software Feller HS verrà messo a disposizione del licenziatario sotto forma di un file di setup che dovrà essere installato dal licenziatario stesso.

Importanti indicazioni in relazione ai software Open Source:

Il software Feller HS contiene anche componenti di software Open Source (qui di seguito denominati "OSS"). Un prospetto degli OSS contenuti nel software Feller HS è specificato qui di seguito nella parte II. di queste condizioni di licenza unitamente ai testi completi riferiti alle licenze.

Il licenziatario ha il diritto di utilizzare gli OSS in corrispondenza delle condizioni di licenza dei singoli rispettivi OSS. Per quanto riguarda l'impiego degli OSS, le condizioni di licenza dei rispettivi OSS risultano prioritarie rispetto alle condizioni di licenza esposte nella parte I. del presente documento.

Nella misura in cui le condizioni di licenza riferite agli OSS richiedano la predisposizione di un codice sorgente, a seguito corrispondente richiesta, il licenziante sottoporrà al licenziatario e a qualsiasi altro soggetto terzo, entro 36 mesi a partire dalla stipulazione del contratto, un'offerta relativa alla fornitura del corrispondente codice sorgente dietro corrispettivo del pagamento delle spese di spedizione dopo la fatturazione da parte del licenziante.

2

Diritti in relazione all'impiego del software Feller HS

2.1

Il licenziante concede al licenziatario il diritto semplice (e quindi non esclusivo), temporalmente illimitato, non trasferibile e non sublicenziabile, di impiegare il software Feller HS per gli scopi e gli ambiti di applicazione indicati nella versione valida della documentazione (che è stata messa a disposizione in forma stampata oppure anche come aiuto online o documentazione online).

2.2

Il licenziatario non ha il diritto di utilizzare, copiare, modificare o trasferire il software Feller HS – in tutto o in parte – in modo diverso da quanto descritto nel presente contratto oppure nella documentazione. Esclusa da questa regolamentazione è la realizzazione di una (1) copia che può essere realizzata dal licenziatario esclusivamente per scopi di archiviazione e di sicurezza.

2.3

Il licenziatario non ha il diritto di applicare tecniche di reverse engineering al software Feller HS oppure di trasformare in qualsiasi altro modo il software Feller HS. Queste tecniche comprendono in modo particolare il disassemblaggio (trasformazione di comandi macchina identificati da codici binari di un programma eseguibile in un linguaggio assembler leggibile per gli esseri umani) oppure la decompilazione (trasformazione di comandi macchina identificati da codici binari o di comandi assembler in un codice sorgente sotto forma di comandi in un linguaggio di programmazione ad alto livello), nella misura in cui un impiego di tale tipo non sia eccezionalmente ammissibile in corrispondenza delle regolamentazioni limitative di cui alla Legge tedesca sui diritti d'autore.

2.4

Il licenziatario non ha mai il diritto di trasferire a terzi – gratuitamente o a titolo oneroso – il software Feller HS, senza la preventiva autorizzazione del licenziante. Il licenziatario si impegna ad utilizzare il software Feller HS (con inclusione della documentazione) esclusivamente a scopo esercizio del proprio diritto in corrispondenza di quanto previsto dalla presente licenza di utilizzo.

Il licenziatario può trasferire a terzi il software Feller HS e tutti i codici di licenza necessari per l'impiego del software (fatta eccezione per i software contrassegnati in modo corrispondente) solo quando e nella misura in cui (i) il licenziatario ha rimosso dal proprio sistema tramite cancellazione o deinstallazione il software Feller HS e le sue eventuali copie di sicurezza, nonché i codici di licenza necessari per l'impiego del software Feller HS e (ii) il terzo interessato si impegna nei confronti della Feller ad osservare le presenti condizioni di utilizzo prima del trasferimento e dell'impiego del software. Prima del trasferimento del dispositivo Feller HS il licenziatario segnalerà espressamente al terzo interessato l'esistenza delle presenti condizioni di utilizzo.

In occasione del trasferimento a terzi il diritto del licenziatario di impiegare il software si estingue.

2.5

Il licenziatario non ha il diritto di affittare o noleggiare il software Feller HS, né di concedere ulteriori diritti di utilizzo in collegamento con i diritti di utilizzo a lui concessi nell'ambito del presente contratto o di concedere sublicenze.

2.6

Nel caso in cui il licenziatario intenda realizzare e distribuire software ispirati al software Feller HS, egli necessita della preventiva autorizzazione scritta del licenziante.

2.7

I meccanismi riferiti al management delle licenze ed alla protezione dalle copie del software Feller HS non possono essere in nessun modo analizzati, resi pubblici, agFellerti o messi fuori uso.

2.8

Tutti i diritti che non vengono esplicitamente concessi al licenziatario sulla base del presente contratto restano espressamente di spettanza del licenziante.

3

Modifiche eseguite dal licenziante

Il licenziante si riserva il diritto di ampliare, migliorare oppure modificare il software Feller HS – con inclusione della documentazione – in ogni momento e senza doverne dare comunicazione in proposito, nonché di disporre l'esecuzione delle attività di cui sopra da parte di terzi. Il presente contratto di licenza vale in modo corrispondente anche per il software ulteriormente perfezionato.

4

Garanzia per il software Feller HS

4.1

Il software Feller HS e la documentazione (che è stata messa a disposizione in forma stampata oppure anche come aiuto online o documentazione online) saranno messi a disposizione del licenziatario nella loro versione rispettivamente valida. Il periodo di garanzia per il software Feller HS è di 24 mesi. La prestazione della garanzia avviene esclusivamente tramite fornitura sostitutiva. Questa regolamentazione non pregiudica in alcun modo il diritto di recesso previsto dalla legge.

Per quanto riguarda gli OSS contenuti nel software Feller HS, il licenziante non presta a proprio titolo alcuna garanzia. In ogni caso questo non pregiudica in alcun modo la garanzia riferita al software FELLER HS nel suo complesso oppure al funzionamento degli OSS all'interno del software FELLER HS.

4.2

La garanzia non si estende ai difetti che sono ricollegabili a trattamento improprio oppure ad altre cause al di fuori dell'ambito di influenza del licenziante.

5

Responsabilità

Il licenziante non può essere reso responsabile per danni derivanti da mancato guadagno, perdita di dati o altre perdite finanziarie che si originano nell'ambito dell'impiego del software Feller HS. Questa limitazione della responsabilità vale per tutti i diritti di risarcimento danni fatti valere dal licenziatario, indipendentemente dal loro fondamento giuridico. Per quanto riguarda la sua entità, la responsabilità è limitata al prezzo d'acquisto del prodotto. Questa limitazione della responsabilità non vale per i danni che vengono causati da un comportamento doloso o gravemente negligente da parte del licenziante o dei suoi agenti oppure di altre persone di cui il licenziante si avvale a scopo adempimento dei propri obblighi contrattuali.

L'esclusione della responsabilità non vale inoltre neanche per i danni in collegamento con casi di lesioni personali, morte e danneggiamento della salute, nonché in relazione alle garanzie prestate dal licenziante (responsabilità di garanzia).

Restano salvi dall'esclusione della responsabilità anche i diritti del licenziatario che si basano sulle prescrizioni di legge relative alla responsabilità sui prodotti, nonché la responsabilità per i danni che conseguono da una violazione perlomeno colposa di obblighi essenziali previsti dal contratto (obblighi cardinali). Si considerano come essenziali quegli obblighi la cui violazione pregiudicherebbe lo scopo del contratto e sul cui adempimento il partner contraente può quindi fare legittimamente affidamento.

6

Protezione dei dati

In virtù della stipulazione del presente contratto di licenza il licenziatario accetta la validità delle indicazioni della Feller relative alla protezione dei dati nella loro versione rispettivamente valida.

Vedi <https://www.feller.ch/it/Unternehmen/Impressum>

7

Diritto applicabile e foro competente

Il presente contratto è sottoposto al diritto della Svizzera con espressa esclusione della Convenzione delle Nazioni Unite sui contratti per la vendita internazionale di beni mobili (CISG). Il foro competente per entrambe le parti è Horgen/ZH.

8

Accordi accessori e modifiche al contratto

Gli accordi accessori e le modifiche al contratto sono validi esclusivamente se redatti nella forma scritta. Il presente contratto di licenza viene steso nelle versioni in lingua tedesca ed in lingua italiana. In questo contesto la versione in lingua inglese ha esclusivamente uno scopo informativo. Nei casi di ambiguità oppure in relazione alle controversie derivanti dal presente contratto la versione in lingua tedesca deve essere considerata come vincolante.

- Fine parte I. -

II. **Condizioni di licenza ed indicazioni in relazione ai software Open Source contenuti nel software Feller HS**

1

Prospetto degli OSS

Software package	SW version	License type	Conditions of IP usage
Atom.NET	0.4.3.22553	BSD	unmodified
AudioGenie3	2.0.0.2	LGPL 2.0	unmodified
busybox-static	1.22.0	GPL-2	http://ftp-master.metadata.debian.org/changelogs//main/b/busybox/busybox_1.22.0-9+deb8u1_copyright
cifs-utils	6.4	GPL-3+ / LGPL-3+	http://ftp-master.metadata.debian.org/changelogs//main/c/cifs-utils/cifs-utils_6.4-1_copyright
dmidecode	2.12-3	GPL-2+	http://ftp-master.metadata.debian.org/changelogs//main/d/dmidecode/dmidecode_2.12-3_copyright
DirectShowLib-2005	2.1.0.22286	LGPL v2.1	unmodified
dosfstools	3.0.27	GPL-3+	http://ftp-master.metadata.debian.org/changelogs//main/d/dosfstools/dosfstools_3.0.27-1_copyright
DotNetZip	1.10.1	Ms-PL	unmodified
firmware-realtek [non-free]	0.43	Binary redistribution (Realtek restrictive)	http://ftp.de.debian.org/debian/pool/non-free/f/firmware-nonfree/firmware-realtek_0.43_all.deb --> data\usr\share\doc\firmware-realtek\copyright
haproxy	1.5.8	GPL 2+ / LGPL-2.1 / GPL-2 / Apache-2.0	http://ftp-master.metadata.debian.org/changelogs//main/h/haproxy/haproxy_1.5.8-3+deb8u2_copyright
Interop.UPNPLib	1.0	Proprietary	unmodified
ippdd	3.25	Carnegie Mellon University	http://ftp-master.metadata.debian.org/changelogs//main/i/isdntools/isdntools_3.25+dfsg1-3.5_copyright
isdntools-base	3.25	GPL-2 / LGPL-2 / LGPL / Carnegie Mellon University / Regents of the University of California / X Consortium	http://ftp-master.metadata.debian.org/changelogs//main/i/isdntools/isdntools_3.25+dfsg1-3.5_copyright
libaudit1	2.4	GPL / LGPL	http://ftp-master.metadata.debian.org/changelogs//main/a/audit/audit_2.4-1_copyright
Libblkid1	2.25.2	LGPL-2.1+	http://ftp-master.metadata.debian.org/changelogs//main/u/util-linux/util-linux_2.25.2-6_copyright
libbz2-1.0	1.0.6	GPL-2	http://ftp-master.metadata.debian.org/changelogs//main/b/bzip2/bzip2

			_1.0.6-7_copyright
libc6	2.19	GPL-2 / LGPL-2.1	http://ftp-master.metadata.debian.org/changelogs/main/g/glibc/glibc_2.19-18+deb8u10_copyright
libcap-ng0	0.7.4	GPL-2 / GPL-3 / LGPL-2.1	http://ftp-master.metadata.debian.org/changelogs/main/libc/libcap-ng/libcap-ng_0.7.4-2_copyright
libdb5.3	5.3	Berkeley DB Software	http://metadata.ftp-master.debian.org/changelogs/main/d/db5.3/db5.3_5.3.28-9+deb8u1_copyright
libexpat1	2.1.0	Individuell	http://ftp-master.metadata.debian.org/changelogs/main/e/expat/expat_2.1.0-6+deb8u4_copyright
libffi6	3.1	GPL-2+	http://metadata.ftp-master.debian.org/changelogs/main/libf/libffi/libffi_3.1-2+deb8u1_copyright
libfreetype6	2.5.2	GPL-2+ / Catharon-OSL / Gzip / FTL / BSD-3-clause / BSD-2-clause / Open-Group-BSD-like	http://ftp-master.metadata.debian.org/changelogs/main/f/freetype/freetype_2.5.2-3+deb8u2_copyright
libjbig0	2.1	GPL-2+	http://ftp-master.metadata.debian.org/changelogs/main/j/jbigkit/jbigkit_2.1-3.1_copyright
libjpeg62-turbo	1.3.1	BSD-BY-LC-NE / BSD-3 / Expat	http://ftp-master.metadata.debian.org/changelogs/main/libj/libjpeg-turbo/libjpeg-turbo_1.3.1-12_copyright
liblcms2-2	2.6	MIT / GPL-2+	http://ftp-master.metadata.debian.org/changelogs/main/l/lcms2/lcms2_2.6-3+deb8u1_copyright
liblzma5	5.1.1alpha	Public Domain	http://ftp-master.metadata.debian.org/changelogs/main/x/xz-utils/xz-utils_5.1.1alpha+20120614-2_copyright
libmount1	2.25.2	LGPL-2.1+ / LGPL-3+	http://ftp-master.metadata.debian.org/changelogs/main/u/util-linux/util-linux_2.25.2-6_copyright
libncurses5	5.9	Individuell	http://metadata.ftp-master.debian.org/changelogs/main/n/ncurses/ncurses_5.9+20140913-1+deb8u2_copyright
libncursesw5	5.9	Individuell	http://metadata.ftp-master.debian.org/changelogs/main/n/ncurses/ncurses_5.9+20140913-1+deb8u2_copyright
libpam0g	1.1.8	GPL	http://metadata.ftp-master.debian.org/changelogs/main/p/pam/pam_1.1.8-3.1+deb8u2_copyright
libpcap0.8	1.6.2	BSD-3-clause	http://ftp-master.metadata.debian.org/changelogs/main/libp/libpcap/libpcap_1.6.2-2_copyright
libpcre3	8.35	BSD-3-clause	http://ftp-master.metadata.debian.org/changelogs/main/p/pcre3/pcre3

			_8.35-3.3+deb8u4_copyright
libpython2.7-minimal	2.7.9	Python licenses / beopen.com / CNRI / CWI / GNU Readline / OpenSSL License / original SSLeay license / Apache 2.0 / GPL 2+ / Individual	http://metadata.ftp-master.debian.org/changelogs/main/p/python2.7/python2.7_2.7.9-2+deb8u1_copyright
libpython2.7-stdlib	2.7.9	Python licenses / beopen.com / CNRI / CWI / GNU Readline / OpenSSL License / original SSLeay license / Apache 2.0 / GPL 2+ / Individual	http://ftp-master.metadata.debian.org/changelogs//main/p/python2.7/python2.7_2.7.9-2+deb8u1_copyright
libreadline6	6.3	GPL-3+	http://metadata.ftp-master.debian.org/changelogs/main/r/readline6/readline6_6.3-8_copyright
libseldlinux1	2.3	Public Domain / GPL-2	http://ftp-master.metadata.debian.org/changelogs//main/libs/libselinux/libselinux_2.3-2_copyright
libsepol1	2.3	GPL-2 / LGPL-2.1+	http://ftp-master.metadata.debian.org/changelogs//main/libs/libsepol/libsepol_2.3-2_copyright
libsqlite3-0	3.8.7.1	GPL-2	http://metadata.ftp-master.debian.org/changelogs/main/s/sqlite3/sqlite3_3.8.7.1-1+deb8u2_copyright
libsmartcols1	2.25.2	LGPL	http://ftp-master.metadata.debian.org/changelogs//main/u/util-linux/util-linux_2.25.2-6_copyright
libssl1.0.0	1.0.1t	OpenSSL License / Original SSLeay License	http://metadata.ftp-master.debian.org/changelogs/main/o/openssl/openssl_1.0.1t-1+deb8u7_copyright
libtiff5	4.0.3	Sam Leffler & Silicon Graphics, Inc + Individual	http://ftp-master.metadata.debian.org/changelogs//main/t/tiff/tiff_4.0.3-12.3+deb8u4_copyright
libtinfo5	5.9	Individuell	http://metadata.ftp-master.debian.org/changelogs/main/n/ncurses/ncurses_5.9+20140913-1+deb8u2_copyright

libusb-0.1-4	0.1.12	LGPL	http://ftp-master.metadata.debian.org/changelogs//main/libu/libusb/libusb_0.1.12-25_copyright
libuuid1	2.25.2	BSD-3-clause	http://ftp-master.metadata.debian.org/changelogs//main/u/util-linux/util-linux_2.25.2-6_copyright
linux-source	3.16	GPL-2+	http://ftp-master.metadata.debian.org/changelogs//main/l/linux-latest/linux-latest_63_copyright
lrzsz	0.12.21	GPL-2	http://ftp-master.metadata.debian.org/changelogs//main/l/lrzsz/lrzsz_0.12.21-7_copyright
MailBee.NET	4.0.2.107	Commercial	unmodified
mgetty	1.1.36	GPL	http://ftp-master.metadata.debian.org/changelogs//main/m/mgetty/mgetty_1.1.36-2.1_copyright
mount [Essenziell]	2.25.2	GPL-2+ / LGPL-2.1+ / LGPL-3+	http://ftp-master.metadata.debian.org/changelogs//main/u/util-linux/util-linux_2.25.2-6_copyright
NSIS	2.45	zlib/libpng / bzip2 / Common Public License 1.0 (with Special exception for LZMA compression module)	http://nsis.sourceforge.net/License
numpy	1.6.2	BSD	http://sourceforge.net/projects/numpy/files/NumPy/1.6.2/numpy-1.6.2.tar.gz --> numpy-1.6.2.tar\numpy-1.6.2\LICENSE.txt
openssl	1.0.1t	OpenSSL License und Original SSLeay License	http://metadata.ftp-master.debian.org/changelogs/main/o/openssl/openssl_1.0.1t-1+deb8u7_copyright
OpenSSL toolkit	1.0.2j	OpenSSL License und Original SSLeay License	https://www.openssl.org/source/license.html
ppp	2.4.6	BSD-like / GPL-2+ / Public Domain / Individual	http://ftp-master.metadata.debian.org/changelogs//main/p/ppp/ppp_2.4.6-3.1_copyright
pycrypto	2.6.1	Public Domain / BSD-like	https://ftp.dlitz.net/pub/dlitz/crypto/pycrypto/pycrypto-2.6.1.tar.gz --> pycrypto-2.6.1.tar\dist\pycrypto-2.6.1\COPYRIGHT
pyserial	2.5	Python-License	http://pypi.python.org/packages/source/p/pyserial/pyserial-2.5.tar.gz --> pyserial-2.5.tar\pyserial-2.5\LICENSE.txt
python2.7-minimal	2.7.9	Python-License / Apache License 2.0 / Open SSL /	http://ftp-master.metadata.debian.org/changelogs//main/p/python2.7/python2.7_2.7.9-2+deb8u1_copyright

		Individual	
python-imaging	2.6.1	Individual	http://ftp-master.metadata.debian.org/changelogs//main/p/pillow/pillow_2.6.1-2+deb8u3_copyright
python-pil	2.6.1	Individual	http://ftp-master.metadata.debian.org/changelogs//main/p/pillow/pillow_2.6.1-2+deb8u3_copyright
revoxmlib	1.0	Proprietary	unmodified
RSS.NET	1.0.3128.21551	MIT	unmodified
setserial	2.17	GPL	http://ftp-master.metadata.debian.org/changelogs//main/s/setserial/setserial_2.17-48_copyright
SharpZipLib	0.86.0.518	GPL w/ classpath exception	unmodified
SmartPropertyGrid	3.1.0.152	Commercial	unmodified
SoX	12.18.1	GPL-2	standard licence text, copied text from e-mail received from H.S.
sysstat	11.0.1	GPL-2+	http://ftp-master.metadata.debian.org/changelogs//main/s/sysstat/sysstat_11.0.1-1_copyright
tftp	0.17	BSD	http://ftp-master.metadata.debian.org/changelogs//main/n/netkit-tftp/netkit-tftp_0.17-18_copyright
unzip	6.0	BSD-like	http://ftp.de.debian.org/debian/pool/main/u/unzip/unzip_6.0-16+deb8u3_i386.deb --> data\usr\share\doc\unzip\copyright
util-linux [Essenziell]	2.25.2	GPL-2 / GPL-2+ / LGPL / LGPL-2+ / LGPL-2.1+ / LGPL-3+ / Public Domain / MIT / BSD-2-clause / BSD-3-clause / BSD-4-clause	http://ftp-master.metadata.debian.org/changelogs//main/u/util-linux/util-linux_2.25.2-6_copyright
WebSocketSharp	1.0.3-rc11	MIT	unmodified
WinFormsUI.Docking	2.2	MIT	unmodified
WiX	3.10.3	MS-RL	unmodified
WpfCap	1.0	Ms-PL	modified
XamlTune	0.3	BSD	unmodified
zip	3.0	BSD-like	http://ftp.de.debian.org/debian/pool/main/z/zip/zip_3.0-8_i386.deb --> data\usr\share\doc\zip\copyright
ZipMaster	1.9	Freeware	This component is freeware therefore no licence text
zlib1g	1.2.8.dfsg	Individual	http://ftp-master.metadata.debian.org/changelogs//main/z/zlib/zlib_1.2.8.dfsg-2_copyright
zlib1g-dev	1.2.8.dfsg	Individual	http://ftp-

		master.metadata.debian.org/changelogs/main/z/zlib/zlib_1.2.8.dfs-g_2_copyright
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Le condizioni di licenza e le indicazioni nei dettagli

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(1) 10.9.0 thru 1.2 1991-1995 CWI yes 1.3 thru 1.5.2 1.2 1995-1999 CNRI yes 1.6 1.5.2 2000 CNRI no 2.0 1.6 2000 BeOpen.com no 1.6.1 1.6 2001 CNRI yes (2) 2.1 2.0+1.6.1 2001 PSF no 2.0.1 2.0+1.6.1 2001 PSF yes 2.1.1 2.1+2.0.1 2001 PSF yes 2.2 2.1.1 2001 PSF yes 2.1.2 2.1.1 2002 PSF yes 2.1.3 2.1.2 2002 PSF yes 2.2 2.1 2.2 2002 PSF yes 2.2.3 2.2.2 2003 PSF yes 2.3 2.2.2 2002-2003 PSF yes 2.3.1 2.3 2002-2003 PSF yes 2.3.2 2.3.1 2002-2003 PSF yes 2.3.3 2.3.2 2002-2003 PSF yes 2.3.4 2.3.3 2004 PSF yes 2.3.5 2.3.4 2005 PSF yes 2.4 2.3 2004 PSF yes 2.4.1 2.4 2005 PSF yes 2.4.2 2.4 2005 PSF yes 2.4.3 2.4 2006 PSF yes 2.5 2.4 2006 PSF yes 2.5.1 2.5 2007 PSF yes 2.5.2 2.5.1 2008 PSF yes 2.5.3 2.5.2 2008 PSF yes 2.6 2.5 2008 PSF yes 2.6.1 2.6 2008 PSF yes 2.6.2 2.6.1 2009 PSF yes 2.6.3 2.6.2 2009 PSF yes 2.6.4 2.6.3 2009 PSF yes 2.6.5 2.6.4 2010 PSF yes 2.7 2.6 2010 PSF yes</p> <p>Footnotes: (1) GPL-compatible doesn't mean that we're distributing Python under the GPL. 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