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Hyperkin Responds To Accusations Of Infringing On The Rights Of Emulator Creators

Posted Wed 24th Sep 2014 06:45 by [Damien McFerran](#)

"We have not been as quick as we could have been"

Last week, we reported on accusations that Hyperkin had [infringed on the right of emulator authors with its RetroN 5 console](#), and at the time we gave Hyperkin the chance to put across its side of the story.

We've now had an official response from Hyperkin developer Lawrence Lee:

It has always been our intention to release the relevant source code for the open source emulators used within RetroN 5. We have not been as quick as we could have been, since we have been busy improving the RetroN 5 user experience. The relevant source code has now been released. From this point forward we will not only keep our copy of this code updated for those who wish to obtain the latest version, but also submit patches for any fixes that we implement back to the original projects so that the entire community may benefit. Hyperkin will continue to endeavor to fulfill the licenses of any project used within RetroN 5 and any other software we write.

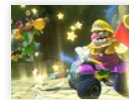
In case you weren't aware, the RetroN 5 is an all-in-one gaming system which runs software from multiple retro consoles, including the Mega Drive / Genesis, NES, SNES and Game Boy Advance.

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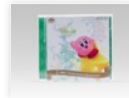
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About [Damien McFerran](#)


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Damien has over a decade of professional writing experience under his belt, as well as a repulsively hairy belly. Rumours that he turned down a role in The Hobbit to work on Nintendo Life are, to the best of our knowledge, completely and utterly unfounded.

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[Shiryu](#) said:

#1


Ok, fair enough. The good thing that came out of all of this was me becoming aware of the RetroArch project. I am still uncertain if I will get a RetroN5... I will decide when it becomes availabe in Euroland.

19 hours ago
- 

[dragon_warrior1](#) said:

#2


The developers were never going to say they stole code from free open source software. They're only abmitting it now to save their reputation.

18 hours ago
- 

[RupeeClock](#) said:

#3

They're still violating the non-commercial license of the Snes9x core, aren't they? There's no dodging that one.

18 hours ago
- 

[DarkLloyd](#) said:


#4

Im confused should I wait for this new thing instead of retron 5?


17 hours ago

[unrandomsam](#) said:
The signing keys are the important bit. Then someone can have a go at removing


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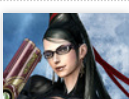
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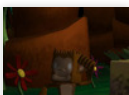
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#5

17 hours ago



Xscape_DuCKMAN_X said:

#6

Got my attention....

17 hours ago

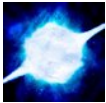


Zwayne93 said:

#7

This looks cool cause of all my old GBA games, but I don't own a single NES/SNES/Genesis game, so....

16 hours ago



Prime said:

#8

I'd rather play all my games on their original hardware.

14 hours ago



Transdude1996 said:

#9

@Zwayne93

In that case, just get a GameCube and a GBA Player.

14 hours ago



Sforzando said:

#10

@dragon_warrior1 "stole" from "free" emulators.

13 hours ago



AndresSM said:

#11

Emulation is perfectly legal. Downloading and playing games you don't own isn't. It's not the same.

By the way this is just damage control, I don't think they ever intended to release anything.

<https://twitter.com/Hyperkin/status/481857441332596737>

Guess they'll delete this tweet now but no worries, I have saved this just in case.

By the way this doesn't change anything, they are still using RetroArch's resampler code which is covered under the GPLv3 which means they should release their complete frontend code. Also they are still using several emulators that were released under non-commercial licenses which can't be used for commercial products.

If anything I find their response funny. I'll just quote myself (from a reddit thread):

Thing about this is that they are not responding to any of the public threads now floating around regarding this matter (there are 2 reddit threads and the blog post at libreto's). And now their page lists a contact email (lawrence@hyperkin.com). My guess is they plan to offer "financial compensation" in exchange for a license exception.

Another shady thing is that they kind of refused to address this being an emulator and there have been claims here and there about everything being developed from scratch. As far as I know they have a follow up to the RetroN5 that plays DOS games (funny thing, they called it a "DOS box" in an interview and in the AMA thread they claimed they are creating their own solution instead of Dosbox). Nothing else has been said about that. Maybe they are waiting for the new DOSbox-libretro port?

They should really read the licenses of the cores. They are even including the

original SNES9X license on the source package but I guess they never read it.

13 hours ago



Kirk said:

#12

Well, whatever the truth of the situation is, they've done the right thing now at least.

I presume.

11 hours ago



Darknyht said:

#13

Well that is a good first step, but still doesn't fix all the issues. I am going to grab my popcorn for when the people at sites like slashdot finally get ahold of this.

11 hours ago



HADAA said:

#14

@Sforzando "Free" means they won't charge you money. It does not mean you can steal their copyright. It's like your comic website. It's free, but can I steal your comic and say I made it? Think not. "Stole from free emulators" is a valid statement.

11 hours ago



Darknyht said:

#15

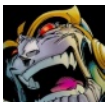
@Sforzando It's the difference between Gratis and Libre, with a caveat. To quote wikipedia on this (mostly because I am too lazy to write my own definition), " 'Gratis' pertains to being able to access and use the code, without a price-barrier, and 'Libre' pertains to being allowed to modify and re-use the code, without a permission barrier." So as I see it, GPL (and all copyleft licenses) is not truly Libre or Gratis but somewhere in the middle because for most users it is libre (they will never modify code so it is not a concern, but it does restrict those that do).

Under the GPL license the authors used, "the author retains copyright and permits redistribution under the restriction that all such redistribution is licensed under the same license. Additions and modifications by others must also be licensed under the same 'copyleft' license whenever they are distributed with part of the original licensed product." One of those restrictions on one of the projects apparently is "no commercialization", and under GPLv3 one of the restrictions is "no Tivoization" (Open Source code on a machine with hardware preventing the running of code modifications.) which is possibly another stumbling block.

Hope that helps to clarify a little.

EDIT: Lots of mistakes and clarifying for an easier read

10 hours ago



TheRealThanos said:

#16

@DarkLloyd Ehm... this IS the Retron 5 so what ever do you mean by "should I wait for this new thing instead of retron 5"?

@Prime the emulation on most Retron consoles is spot on and for ALL consoles supported, you can plug in the original joypads, so other than your cartridges sticking out of a different plastic box, you won't notice the difference while playing. And the model 5 adds so much more: HDMI support, HD upscaling, screen options such as scan lines to get that "old tv look" and so much more.

6 hours ago



andrea987 said:

#17

What's the problem? They're selling the hardware, which allows people to play all of their cartridges if they don't have functioning consoles anymore, which is to be expected, after so many years. That's basically a PC with cartridges slots, that's all. As long as they say they don't own the software, or even giving an option to

load it into the machine...


1 hour ago


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
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
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
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
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
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