PROFITING FROM APACHE® BRANDS WITHOUT LOSING YOUR SOUL

Shane Curcuru
Vice President, Brand Management
The Apache Software Foundation

APACHE:
BIG_DATA
EUROPE

INTRODUCTION

- Shane Curcuru - VP, Brand Management, The Apache Software Foundation

    - Volunteer, appointed by Apache Board of Directors

    - Define trademark policy for all 200+ Apache projects

    - Provide trademark support for projects

    - Involved at Apache since 1999

    - Not a lawyer

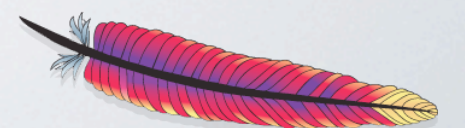- Questions? <trademarks@apache.org>

TOPICS

- What is Apache?

- What is the Apache brand?

- How to use Apache project brands

- How to support Apache projects

- What happens when things go wrong:

  - Apache trademark enforcement

- Q&A / Resources

WHAT IS THE APACHE SOFTWARE FOUNDATION?

STRUCTURE

- US 501(c)(3) membership corporation and public charity (tax exempt)

  - Corporate Sponsorship program + individual donors = 100% funding

  - ~1 million USD annual budget

- ASF provides core services to all Apache projects

  - Sysadmin contractors, Services, Hardware/Bandwidth

  - Publicity; Events; Brand; Legal; Travel Assistance

- Pro bono counsel by DLAPiper, global IP law firm

- 167+ Apache projects + 40+ Incubator podlings

http://www.apache.org/foundation/sponsorship

GOVERNANCE

- 9 member Board of Directors

  - Elected from/by individual members (no corporate participation)

  - Board appoints executive/project officers

    - Set Apache-wide policy: legal, brand, infra, press, etc.

- Board creates VPs & PMCs to manage projects

  - PMCs are run independently by merit-based volunteers

  - PMCs determine technical direction, vote on all releases

- All governance positions are individual volunteers

http://www.apache.org/foundation/governance/

GOALS

- Apache is a **non-profit**, public charity

- Our Mission: provide software for the **public good**

- Our Method: provide stable, independent home for like-minded, **diverse project communities**

- Our Goal: Ensure Foundation exists for **next 50 years**
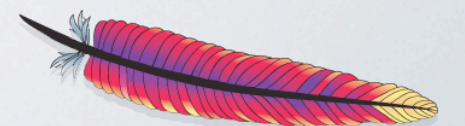
WHAT IS THE APACHE® BRAND?

THE APACHE BRAND

- Apache ® software projects share these elements:

  - Pragmatic and permissive Apache license

  - Always free to download

  - Participation in projects based on merit

  - Openly developed software

  - Independent project governance

- APACHE is our house brand for community built software

- APACHE is a registered trademark of the ASF

http://community.apache.org/projectIndependence
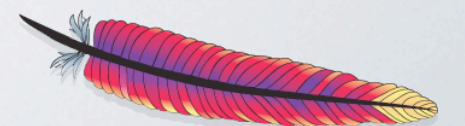
PROJECT BRANDS

- All projects share a common Apache Way of working

    - Our secret sauce: community and development methodologies

- Every PMC defines their project's brand independently, so actual Apache project brands may differ in style

- "Apache" must precede all project names (eg, Apache Lucene®, Apache Spark™, Apache Sqoop™, etc.)

- All Apache project/product names are trademarks, owned by the ASF on behalf of the individual projects

TRADEMARK POLICY

- Applies to all Apache project brands, with flexibility for individual projects to make own decisions

- Protects both primary Apache goods (software products) and secondary Apache goods (software services, basic support)

- Goals are to maintain good reputation and encourage new contributors to all our projects

- The ASF holds a mix of registered and common law marks:

  - HADOOP, LUCENE, OPENOFFICE and others are registered trademarks in the US, EU, and/or other countries

  - Apache Sqoop and Apache Zookeeper are unregistered trademarks

http://www.apache.org/foundation/marks/
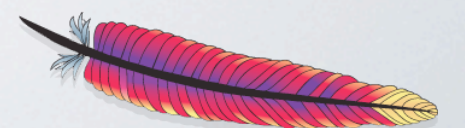
BRAND USAGE GOALS

- ASF project brands are for use by the Apache community only:

    - Individual contributors do not own the brand

    - Companies that contribute money or their employees' time do not own the brand

- Restricting brand usage to only the ASF:

    - Supports project independence (from corporate influence) and

    - Encourages diverse volunteer contributor participation

http://community.apache.org/**projectIndependence**

HOW TO USE APACHE BRANDS

SOFTWARE PRODUCTS

- If you have your own software that works in conjunction with Apache software, you must have a **separate brand name for your software**

- May then add the full "Apache Foo" name to clarify the relationship of your software to ours, *no explicit permission needed* using these specific forms

  - Ono-Sendai Console, Powered By Apache Steve

  - Yoyodyne Accelerator For Apache CloudStack

  - *VodaCoder Hadoop Accelerator* - **Not OK!**

  - *Apache Hadoop Nokion App* - **Not OK!**

- May **not** use official Apache project graphics/**logos** as part of your brand; a "Powered By Apache" banded logo may be used to supplement your brand logo

http://www.apache.org/foundation/marks/faq/#products

SERVICES / HOSTING

- If you provide services in conjunction with ASF-generated software, you must have a separate brand name for your services

- You may then add the "Apache Foo" name as applicable to refer to the actual Apache Foo software itself

- Your branding must not imply that you provide exclusive or Apache-endorsed support, training, consulting, hosting, customizations, etc.

- You may use Apache project graphics/logos as a secondary branding, subsidiary to your own primary logo for your services.

EVENTS & SWAG

- If you sponsor or run events related to Apache projects, you may use the project brand in certain specific ways, with permission

  - The primary brand for your event may include the project name, without the "Apache" prefix, eg. Hadoop Summit

  - Must have an "About Apache Hadoop" link on event website

  - Must include educational content about Apache Hadoop

  - Allow PMC members on selection committee

- **Individual PMCs** may give permissions for use of their own project brand for events/giveaway swag (eg. T-shirts, pens, stickers, etc.)

- Detailed policy **How-To in link below**

http://www.apache.org/foundation/marks/events

MARKETING WITH APACHE BRANDS

- **Always use the full "<u>Apache</u> Mesos" name**

- Apache is vendor-neutral

  - Don't imply ownership or control of an Apache product

  - No superlatives related to an Apache project

  - No corporate affiliation or endorsement implied

  - Frown on "employ the most PMC members"

- **Give credit to the project community**

- Ensure users understand every Apache project is independently governed

http://community.apache.org/**projectIndependence**

IN THE INCUBATOR

- Thank You!

  - We very much appreciate all those who choose to donate their projects to the Apache Incubator as new podling ideas

- Branding, trademarks, and code are all required parts of donation

- Apache Incubation process is about teaching the new "Podling" what the Apache Way is, and building an independent community

  - Podlings and Apache Projects are part of the ASF

  - Donor companies have no claim to affiliation, endorsement, or control after a Podling is accepted into the Incubator

http://incubator.apache.org/

HOW TO SUPPORT APACHE PROJECTS

HOW TO SHOW SUPPORT

- Use Apache software products - and **let people know**

- Donate code / projects to Apache

- Donate employee time for coders & non-coders on projects: documentation, testing, other skills

- Participate actively in events

- Sponsor and organize events: Lucene Revolution, Hadoop World, MesosCon

DONATING EMPLOYEE TIME

- Their participation in the ASF project is governed by the PMC and the Apache Way, independent of your corporate reporting structure

- **Merit is gained by individuals,** independent of affiliation

- Your employees must understand appropriate behavior (project-specific procedures and practices) within Apache project(s)

- Project work must be discussed on Apache project public mailing lists, not internal company emails

- Proprietary company work must be done outside the Apache project

EMPLOYEE SKILL GROWTH

- Ensure your management allows employees sufficient time to participate in projects appropriately

  - Understand which "hat" employees are wearing

- Think about what pressures you put on employees, and understand you need to allow them to behave with Apache hats (for their benefit and yours)

- Collaborative decision making, collaboration seeking, and working across disparate/distributed teams — these are all key skills your employees will gain and can bring back

- Open source is eating the world — and employees want those skills

OOPS! WE DIDN'T FOLLOW THE POLICY?
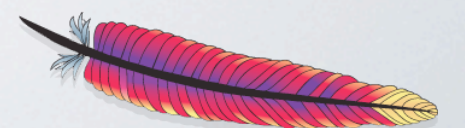
Sorry, what happens now?

BRAND ENFORCEMENT

- Misunderstandings happen despite the best intentions. If there is a suspected trademark infringement, it will be addressed:

  - Private requests, from PMC members or VP, Brand Management

  - Social pressure & press

  - Removal from PMC & project(s)

  - Legal action, by pro bono counsel, DLAPiper (global IP law firm)
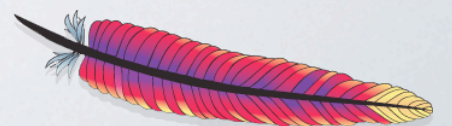
- Don't let it get there! Ask us first

http://www.apache.org/foundation/marks/reporting

THANK YOU / RESOURCES

THANK YOU

- Thank you to companies who respect Apache brands

- Thanks to all Apache Members

- Thanks to all Apache committers and PMCs

- Thanks to members of Apache Trademarks Committee

- Thanks to DLAPiper counsel: Mark Radcliffe, Nikkya Williams, Carol Anne Bashir

TRADEMARK RESOURCES

- Formal policy for third party use

  http://www.apache.org/foundation/marks/

- Third party requesting permission for events

  http://www.apache.org/foundation/marks/events

- Third party requesting permission for domain names

  http://www.apache.org/foundation/marks/domains

- All other questions

  http://www.apache.org/foundation/marks/contact

QUESTIONS?

Please feel free to find Shane with any questions this week!

Or, Look for the Ask Me! Buttons, and just ask!

<trademarks@apache.org>

@ShaneCurcuru

http://communityovercode.com/

@SHANECURCURU

VP, Brand Management, ASF
http://communityovercode.com/

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