Profiting From Apache® Brands Without Losing Your Soul

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Introduction

• Shane Curcuru - VP, Brand Management, The Apache Software Foundation
• Volunteer, appointed by Apache Board of Directors
• Define and implement trademark & brand policy for all 200+ Apache project communities
• 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 you can use Apache project brands
• How you can support Apache projects
• What happens when things go wrong:
  • Apache trademark enforcement
• Q&A / Resources
What Is The Apache Software Foundation?
Apache structure & funding

- US 501(c)(3) membership corporation and public charity (tax exempt)
- Corporate Sponsorship program + individual donors = 100% funding
  - $800K+ annual budget
- ASF provides core services to all Apache projects
  - Sysadmin contractors & Hardware/Bandwidth
  - Publicity; Events; Brand; Legal; other
  - Pro bono counsel by DLA Piper, global IP law firm
- 165+ Apache projects + 32+ Incubator podlings

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

• 9 member Board of Directors
  • Elected from/by individual members (non-corporate)
  • Board appoints executive/corporate 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
• All governance positions are individual volunteers

http://www.apache.org/foundation/governance/
Apache 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 development 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
Apache project brands

- All projects share a common Apache Way of working
- 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
Apache 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 Spark and Apache Zookeeper are unregistered trademarks

http://www.apache.org/foundation/marks
Apache 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
So, what can companies do?

So, Shane, if my company supports Apache with donations or employee time, what are we allowed to do with Apache project brands?
How To Use Apache Brands
Using Apache brands in 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.
• You may then add the full “Apache Foo” name as appropriate to clarify the relationship of your software to ours, no explicit permission needed if using these forms.

- Ono-Sendai Console, **Powered By** Apache Steve
- Yoyodyne Accelerator **For** Apache CloudStack
• 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
Using Apache brands in services

• 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.
• Unlike use in software branding, you may use Apache project graphics/logos in conjunction with your branding in certain circumstances, but not as your own primary logo for your services.
Use of Apache brands in 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 & Steps below.

http://www.apache.org/foundation/marks/events
Guidelines for marketing with Apache brands

- 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
If you donate projects to Incubator...

- Thank You!
- We very much appreciate all those who choose to donate their projects to the Apache Incubator
- 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
How to Support Apache Brands
Other ways 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, eg. Lucene Revolution, Hadoop World
• Donate funds through Apache Sponsorship Program
If you are 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.
Allow employees’ 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 (or, are going to fail at Apache merit)
- 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 Apache Trademark Policy...
Behavior and enforcement is important. Here are the steps:

1. Private requests, from PMC members or VP, Brand Management
2. Social pressure & press
3. Removal from PMC & project(s)
4. Legal action, by pro bono counsel, DLAPiper (global IP law firm)

Don't let it get there! Ask us first
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 Committe
- Thanks to DLAPiper counsel: Mark Radcliffe, Dash McLean, Nikkya Williams, Carol Anne Bashir
Trademark Resources - External

- 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 domains
  - http://www.apache.org/foundation/marks/domains
- All other questions
  - http://www.apache.org/foundation/marks/contact
Questions?

Please feel free to find Shane or any of our directors or officers with any questions this week!

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

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http://communityovercode.com/
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