

Supporting Apache® Brands While Making A Profit

Shane Curcuru
VP, Brand Management
The Apache Software Foundation



APACHECON
EUROPE

CORINTHIA HOTEL
BUDAPEST, HUNGARY
— NOVEMBER 17-21, 2014 —



Introduction

- Shane Curcuru
 - V.P. Brand Management, The Apache Software Foundation (ASF)
- Volunteer, appointed by Apache Board of Directors
- Define and implement trademark & brand policy for all 180+ Apache project communities
- 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 brands
- Apache brand enforcement
- Q&A and Resources

The background features a dark purple gradient with silhouettes of architectural elements, including a large central dome and several smaller spires, creating a cathedral-like atmosphere.

What Is The Apache Software Foundation?



Apache structure

- US 501(c)(3) membership corporation and public charity (tax exempt)
- 9 member Board of Directors
 - Elected from/by individual members (non-corporate)
- Corporate Sponsorship program + individual donors = 100% funding
- \$750K+ annual budget:
 - Sysadmin contractors & Hardware/Bandwidth
 - Publicity; Events; Brand; other

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



Apache governance

- Board appoints executive/corporate officers
 - Set Apache-wide policy: legal, brand, infra, press, etc.
- 154+ Apache projects + 32 Incubator podlings
- Board creates VP & PMC to manage projects
 - PMCs are run independently by merit-based volunteers
- PMCs determine technical direction
- All governance positions are volunteers

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



We have different 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**

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What Is The Apache Brand?



The Apache® brand

- APACHE is our house brand for community built software
 - Pragmatic and permissive Apache license
 - Always free to download
 - Participation in projects based on merit
 - Openly developed software
 - Independent project governance
- APACHE brand and feather are special to the ASF
- APACHE is a registered trademark of the ASF

<http://community.apache.org/projectIndependence>



Apache project brands

- “Apache Foo” is required of all projects
- Every PMC defines own “Foo” brand independently
- All share common Apache Way, but:
 - Actual Apache project brands may differ in style
- Foundation owns all trademarks on behalf of projects
- Treat all Apache project/product names as trademarks
- HADOOP, LUCENE, OPENOFFICE and some other project names are registered trademarks in the US, EU, and/or other countries



Apache trademark use policy

- Purpose: maintain our ability to defend all Apache project brands such that we can attract new project contributors

Primary Apache goods are **software products**

- Secondary Apache goods are **software services**: basic support
- Mix of registered and common law marks
- Within policy, individual projects make own decisions

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



A friendly reminder

It's **not** your brand

It's **Apache's** brand

Our projects welcome participation from anyone
and welcome re-use by everyone



So, what **can** you do?

So, Shane, what **are** we allowed to do
with Apache marks?

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How To Use Apache Brands



Software products

- Primary brand must be your own
- Must use full “Apache Foo” form of name
 - Ono-Sendai Console, **Powered By** Apache Steve
 - Yoyodyne Accelerator **For** Apache CloudStack
- May not use official Apache project logos as part of brand
- May use Powered By Apache banded logos in conjunction with (but not part of) your brand
- No other exceptions

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



Software services & hosting

- Primary brand must be your own
- Must use full “Apache Foo” form of name
- Must not imply exclusivity or affiliation
 - Support
 - Training
 - Consulting
 - Hosting
 - Customizations
- Apache project logo used only in reference to Apache product



Most importantly

Give **credit** to the project community

Ensure users understand every Apache project is **independently governed**



Events & Swag

- Primary brand must be your own
- Event names use “Foo”, and not official Apache logo
 - Must have an “About Apache Foo” link on website
- Include educational content
- Allow PMC members on selection committee
- PMCs empowered to give permissions for events
- We are Improving policy for giveaways supporting projects: PMCs may allow broad merchandise, giveaway use

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



Appropriate marketing

- Don't imply ownership or control
- No superlatives
- No corporate affiliation
- Frown on “employ the most PMC members”

- Apache is vendor-neutral
- Apache projects must be viewed as independent



Other ways you can show support

- Donate code / engineers
- Support non-coders on projects
- Send speakers to events
- Sponsor and organize events
- Sponsor the ASF

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Apache Brand Enforcement



Apache brand enforcement

- Private requests, from the PMC or trademarks@
- Social pressure & press
- Removal from PMC & project(s)
- Legal action
 - DLA Piper, global IP law firm as pro bono counsel
- Don't let it get there! Ask us first

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



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, with special thanks to David Nalley
- Thanks to DLA Piper counsel: Mark Radcliffe, Dash McLean, Nikkya Williams, Carol Anne Bashir



Apache Trademark Resources

- Formal policy for third party use
 - <http://www.apache.org/foundation/marks/>
- Third party requesting permission for events
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Questions

Please feel free to find Shane or any of the other directors or executive officers with your strategic questions this week

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



But it's open source!

Apache License, v2.0

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V2.0



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**Welcome, and thank you for coming!
My name is Shane Curcuru, and I serve...**



Topics

- What is Apache?
- What is the Apache brand?
- How you can use Apache brands
- Apache brand enforcement
- Q&A and Resources

To understand how to use Apache brands, we need to first understand what the Apache Software Foundation is, what the Apache brand is, and how all 154 Apache project brands work.

As an open source organization, we allow broad re-use of Apache project brands in a variety of ways that I'll describe here – often being much more lenient than normal software vendors, although we do want our project communities to get the credit they deserve.

We'll wrap up with a brief discussion on how the ASF and Apache projects enforce use of our brands, and have some time for questions.



What Is The Apache Software Foundation?



Apache structure

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The Apache Software Foundation is the legal corporation which governs all 154 Apache projects. We have a formal board, elected from the existing Membership, that appoints various officers and PMCs, or project management committees.

As a non-profit, we rely on donations – both individual and recurring corporate sponsorships – for all of our funding. By far, our largest expense is for system administrators and the hardware that our source control and websites live on.

Note that all Apache project work is done by volunteers: our budget is only used for core infrastructure, not coding.



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Just like any other corporation, the board appoints officers to set policy, and appoints officers and PMCs or Project Management Committees to run each separate Apache project.

Understanding the independence of the ASF as a whole and all Apache projects is critical to understanding the Apache brand. Governance decisions – including technical ones within our projects – is made by volunteers, and is for the benefit of all project users. Commercial ownership, influence, or affiliation is not considered in governance decisions.



We have different goals

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

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like-minded diverse project development communities

Our Goal: Ensure Foundation exists for **next 50 years**

Not to belabor the point but: the ASF is a non-profit, public charity. Our purpose is to provide a public good. We're happy to have various for-profit companies use our software and work in our communities, as long as you remember what the true purpose of our mission is.

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Much of the Apache brand comes from our structure, and from our non-profit mission for the public good.

Please remember that the APACHE name and our feather logo are special both to all projects and to the foundation itself. These are our symbols of independence and vendor neutrality.



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Every project uses the APACHE name in it's brand, and projects are required to follow independent governance policies set by the Foundation.

But beyond that, every project defines it's own brand.

We are also allowing PMCs and project Vice Presidents broad authority to manage their own specific project brand, as well as to directly grant permissions for use in events, domains, and the like.

The fact that the ASF owns all trademarks on behalf of our projects ensure project independence: even if one vendor happens to overload a PMC, trademark ownership is still with the Foundation as a whole, and the board can step in to keep the project running appropriately.



Apache trademark use policy

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I'm sure that most people attending this talk at ApacheCon understand this, but I find that some corporations still need to be reminded. Even if your corporation donated a specific project to the Apache Incubator, once the project graduates to top level status, the brand belongs to the ASF. Donating project technology or brands does not grant the original donor any special abilities or privileges.



So, what **can** you do?

So, Shane, what **are** we allowed to do
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The primary purpose of the ASF is to provide software products for the public good. Therefore, our trademark use policies around software products are stricter than other uses.

We have a variety of Powered By phrases and logos: while these are related to the original Apache project logos, they are distinct designs, and are usable in a broader variety of places than the official project logos.

In every case, the primary software product brand may be your own – and displays the Apache project brand as a distinct and separate product.



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As a non-profit, the ASF and most projects only offer a limited amount of free support for project users and contributors. So here is a great place where companies can step in to provide other useful services or software or data hosting, that are closely based on or work with Apache software products.

Again, the primary brand for the service should be your own, but in general you may more closely integrate the branding from the Apache software product into your service than you would be able to from, say, another commercial vendor's product.

From the Apache project's point of view, services, training, and the like that helps more users be able to find and use our Apache software products is a net gain for the ASF.



Most importantly

Give **credit** to the project community
Ensure users understand every Apache
project is **independently governed**

This is the most important concept about how to properly use Apache brands. Many uses of Apache brands in third party marketing or the like – that in a commercial context might seem infringing – may be allowable for Apache brands – as long as our project communities get the credit they deserve for producing Apache software.

We love it when companies use or promote our software – we just want the credit, and we want users to understand that they can always find our software directly at apache.org



Events & Swag

- Primary brand must be your own
- Event names use “Foo”, and not official Apache logo
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Events are another great place where corporations may have the resources to teach more users about Apache software, while making profit for themselves and their services.

We're working on having every individual Apache PMC issue approvals for use in events. Please be sure your event branding plan complies with our policy posted here before requesting permission.

Similarly, companies wanting to do giveaways of swag – shirts, stickers, stuffed animals and the like – are generally welcome to do so as long as the image of independent Apache brands is maintained.



Appropriate marketing

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- No superlatives
- No corporate affiliation
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- Apache is vendor-neutral
- Apache projects must be viewed as independent

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In marketing and trademarks, asking “is this use acceptable”, the answer is usually “It depends”. The most important thing to remember is that Apache project brands stand for independently developed software projects. While we are happy when companies use or promote our software, you need to do it in a way that doesn't compromise our vendor neutrality and independence.

We welcome everyone's participation, and want to ensure that everyone is comfortable joining one of our projects – your company, independent developers or consultants, or even your competitors in the marketplace.

Think of Apache as the Switzerland of software.



Other ways you can show support

- Donate code / engineers
- Support non-coders on projects
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Often people ask how else they can contribute to Apache projects. There is no one way – other than jumping in and getting involved in each individual project.

If you're a manager, then there are still ways you can get involved – by ensuring your company and your employees are supported in contributing to projects. Don't overlook things like allowing editors or doc writers to spend time on open source projects, and especially support your staff when they want to speak or attend open source events. Running your own events about Apache projects is another great way to give back: be sure to involve the project in how the vent is managed.

And we always love new corporate sponsors!



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So what happens when Apache brands are abused?

This is where I come in, and work with Apache projects to enforce their brand usage.

Many cases are a result of misunderstandings, and these are usually cleared up with some careful discussion. Our goal is to ensure proper use of our brand for the long term.

But, when it is necessary, the ASF has excellent pro bono representation, and for infringing companies who are involved in our projects, we can remove their participation in project governance if needed.

The big message is: keep communication open -and if you're wondering if something is a good idea – then **ASK FIRST!**



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