

# Supporting Apache® Brands While Making A Profit

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Vice President, Brand Management  
The Apache Software Foundation

V 1.0

# Introduction



- Shane Curcuru
  - Vice President, 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
- Questions? <[trademarks@apache.org](mailto:trademarks@apache.org)>

# Topics

- What is Apache?
- What is the Apache brand?
- What can **you** do with Apache brands?
- Brand enforcement
- Q&A and Resources



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# What Is The Apache Software Foundation?

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# Apache structure



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



# Apache governance



- Board appoints executive/corporate officers
  - Set Apache-wide policy: legal, brand, infra, press, etc.
- 149 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

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 the **next 50 years**

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What is the Apache® brand?

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# The Apache brand



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

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

# Apache project brands



- “Apache Foo” is required of all projects
- Every PMC defines own brand independently
- All share common Apache Way, but:
  - Actual Apache project brands differ widely
- Foundation owns all trademarks on behalf of projects
- Treat all Apache project/product names as trademarks

# Friendly reminder

It's **not** your brand

It's Apache's brand

We welcome participation from everyone



# Apache trademark policy



- Policy published
- Purpose: maintain our ability to defend our 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

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

So what **can** we do?



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



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# How To Use Apache Brands

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# Software products



- Ono-Sendai Console, **Powered By** Apache Steve
- Yoyodyne Accelerator **For** Apache CloudStack
- Primary brand must be your own
- Must use full “Apache Foo” form of name
  
- May not use official Apache project logos as part of brand

<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 only in reference to Apache product

Most importantly...

Give **credit** to the project community

Ensure users understand Apache project is **independent**



# Events & swag



- Primary brand must be your own
- Event names include “Foo”, and not official logo
- Include educational content
- Allow PMC members on selection committee
  - Detailed event policy posted
- Improving swag policy for giveaways supporting projects

<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 to show support

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

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# Apache Brand Enforcement

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# Apache Brand Enforcement



- Legal action
  - DLAPiper, global IP law firm as pro bono counsel
- Social pressure & press
- Removal from PMC & project(s)
  
- Don't let it get there! Ask first

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# Thank You & Resources

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# Thank You



- 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
- Thank you to companies who respect Apache brands

# Apache Trademark Resources



- Formal policy
- Policy for PMCs
- Project Independence
- Questions? `<trademarks@apache.org>` and relevant `<private@project.apache.org>`

# 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!

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**First, thank you all for attending.**

**Separately, I currently serve on the board, however detailed policy is set by relevant corporate officers. The board has had a consistent policy of delegating specific sets of authority to specific officers.**

# Topics

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- What is Apache?
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So, to really understand how to respect the Apache brand, we need to know what it is. And critically, it's important to understand what Apache – that is, the Apache Software Foundation – itself is and wants to be.

We'll cover some of the basics of what people can/can't do with our Apache brands.

Very briefly, we need to discuss the dark horse in the room, and talk about brand enforcement. One of the most important parts of my job is ensuring that we can defend both the Apache brand and our many project brands.

I'd like to be sure to leave time for questions – but I'm also here all this week, so please feel free to find myself or another director with your questions.

# What Is The Apache Software Foundation?

We really need to understand what the ASF itself is and what our mission is to understand what our brand means and why we have the trademark policies we do.

# Apache structure



- 501(c)(3) membership corporation and public charity
- 9 member Board of Directors
  - Elected from/by individual members
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**We are a Delaware membership corporation, so the members are effectively shareholders in the organization itself.**

**Key point of our independence is our sponsorship and funding model, which covers our entire budget.**

**Sponsorship merely gets you a thank you – there is no technical or organizational influence. We are not at all like Eclipse or other pay to play foundations, which is critical to understand about us.**

# Apache governance



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

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**Just a brief review of both corporate and project governance. Corporate governance is just that – how we legally run the ASF as an organization, which the board delegates much policy making decision to specific officers – although is still well plugged into all policy decision.**

**PMCs are managed independently, and report directly to the board quarterly. All technical decisions are per-project.**

**PMCs are required to act independently – this is why they report to the board, which can ensure this independence.**

**Key point: all leadership and policy positions are run by volunteers. (Only possible exception is Sally is VP, Press, and is a contractor)**



## We have different goals



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 the **next 50 years**

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This is the most important point – this is the one thing I want to make sure that everyone understands and brings home with them.

We have different goals. These goals help explain the WHY of how Apache trademark policies are written the way they are, in particular how the appropriate ways we allow you to use Apache brands are different than with other traditional software products.

We have a different view of allowable uses – however we do not just allow you to use our brands in whatever way. There are clear rules. But understanding the **why** of this is key to being able to understand what kinds of third party use of Apache brands is appropriate or not.

# What is the Apache® brand?

So what is the overall APACHE brand itself, then?

What does it mean?

It's hard to discuss appropriate uses if we can't define what we're using.

# The Apache brand



- APACHE is our house brand for community built software
  - Pragmatic and permissive Apache license
  - Always free to download
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  - Independent project governance

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

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**All projects share the Apache brand, and project actions reflect on our larger brand.**

**This is the key way that we can ensure both defense of our marks as well as a shared community amongst our projects.**

# Apache project brands



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**Again, it's important to understand that while all Apache projects are technically independent and self-governing, they are still part of the Apache brand, and there are still some core rules and expectations for all projects to follow.**

**The ASF's ownership of marks ensures our long term independence, and both legally and organizationally ensures that our projects as well can continue to be independent and welcome all new participants.**

**And just to make sure everyone understands: all Apache project and software product names are trademarks – mix of registered and unregistered.**

## Friendly reminder



It's **not** your brand

It's Apache's brand

We welcome participation from everyone

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I really hope this isn't a surprise to anyone in this room, but there have been a few cases in the past where it was an issue with certain companies.

Even if you donated the project to the Incubator, even if your company has been the past creator of such and such project - once it comes to Apache, it's our brand.

Trademark transfer is required before exiting the incubator. We're working on improving documentation and policies for making that simpler and safer.



# Apache trademark policy



- Policy published
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All the policies are published, so I don't want to just rehash what's written or read out a bunch of slides. Again, the purpose of our policies is to be able to defend brands, while allowing us to attract new contributors to our projects.

We realize that many contributors come from traditional software vendors paying their employees to work on projects as well as individuals, consultants, academics, and freelancers. So we know we need to be able to attract all.

Key point: Apache provides software, and basic user support to contribute to it. In these areas we will be strict about branding.

Other areas, we tend to be much looser about branding allowances for third parties.

So what **can** we do?



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

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So – this has been a long-winded explanation of the whats and whys of the ASF and of our trademark policy. But the details of written policies, while important, are not what really matters in the end game. What really matters is why we have the policies this way, and ways of using Apache marks that help the ASF's mission versus hurt.

If you can understand where we're coming from, it's a lot easier to figure out where you can make your niche or approach to using an Apache brand within your own marketing messages in an appropriate and respectful way to the ASF and all Apache projects.



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# How To Use Apache Brands

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# Software products



- Ono-Sendai Console, **Powered By** Apache Steve
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- Primary brand must be your own
- Must use full “Apache Foo” form of name
  
- May not use official Apache project logos as part of brand

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

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As the primary deliverable of the ASF and every Apache project, third party software products using our brands must follow these policies. This is the core of ensuring that we can defend our trademarks, and is not optional.

The clear separation of the two brands is key, as is including the full Apache Foo form of the name. Note that logos are not included. While you could have a sidebar “About Apache Foo” that uses the Foo logo, that should be a clear reference to that independent product, not related to your product.

# 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 only in reference to Apache product

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**The ASF as a non-profit fundamentally works directly with users who are potentially interested in contributing to our software. We do not sell anything, and we can not realistically offer any of these services with the quality of service that most businesses expect. Thus, these are areas that, if the overall use of an Apache brand actually helps the underlying and independent Apache project, then we may be OK with your use thereof.**

**Again, the key message is letting users know that you're offering the service based on / built atop / whatever the underlying Apache software product.**



Most importantly...



Give **credit** to the project community

Ensure users understand Apache project is **independent**

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Again, this is the key point. Both to ensure our ability to defend our project and product brands, and also to ensure that our many volunteer contributors get the credit they deserve, this is the point of allowing a broader use of Apache brands than would be traditional.

We're happy if you make a profit using our software – we just want the credit for having made it and given it away.

Similarly, we want users (who might not have funding or who might want “free”) to understand what they can get from Apache directly vs. the larger set of services/software that various vendors can offer.

# Events & swag



- Primary brand must be your own
- Event names include “Foo”, and not official logo
- Include educational content
- Allow PMC members on selection committee
  - Detailed event policy posted
- Improving swag policy for giveaways supporting projects

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I'd like to take a moment to thank the Linux Foundation, who has been doing a great job of organizing ApacheCon here in Denver this year. Again, events are a place that often requires contracts and funding for venues, things that the ASF and our projects can't effectively offer ourselves for many cases. Similarly, the event sponsorship/funding model is well understood, so it is clear to attendees who is responsible for the event, even if it is about an Apache project.

Note that event brands might include the Foo, but not the Apache and not the logo. However the About page for the event must clearly describe the independent Apache Foo project at the ASF that creates the Apache Foo software.

“Apache” and “ApacheCon” are reserved for ASF-wide events with multiple project participation.

# 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

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This is a place where “it depends” on the actual situation.

Our issue in writing policy is... people here in this room are probably going to do the right thing. The issue is people who aren't in this room, who aren't as connected to our communities. Similarly, companies that “get it”, but end up IPO'ing or getting bought out – their corporate direction changes, and we can't allow them to then push the boundaries of what's appropriate.

So it's not that we don't trust you, here, now with some new close branding idea – it's the point that we need to think for the long term of the ASF and project health.

For our projects, they must maintain the public image of being governed independently, which is why these rules are so important to us.

## Other ways to show support

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

**So hopefully some of you are still interested in trying to evangelize and promote Apache brands and products, even after I've spent a half hour trying to scare you off.**

**Here are some appropriate ways you can contribute and help spread the word about Apache projects, often in ways that you can include your own brand in an appropriate way.**



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# Apache Brand Enforcement

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# Apache Brand Enforcement



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

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This is the slide that we should never have to deal with, because we should be reasonable people, and talk about potential infringements or policy violations in private first, and work out differences politely.

But since there are clearly some organizations who aren't as enlightened, we do have the tools to defend our use of Apache brands. DLA Piper in particular is a leading global IP firm with a solid pro bono agreement with the ASF for both policy, enforcement, and legal agreements assistance.

Similarly, outside companies that can't respect our brands clearly aren't interested in furthering the goals of our projects, and thus, we can and will prevent them from working within the project governance.



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# Thank You & Resources

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- Thank you to companies who respect Apache brands

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**Also: Community over Code. It's important, as is giving the thanks to the community members who have built everything the ASF and its projects are about.**

**Members have built the Foundation.**

**Committers/PMC members have built our projects.**

**Members and the trademarks committee have assisted in forming and documenting our policies, as well as assisting our various projects in applying them and defending their brands.**

**Our pro bono law firms have helped with review and strategy. In the past we have also used other firms, including SFLC, however DLA Piper is our primary brand-related pro bono firm.**

# Apache Trademark Resources

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- Formal policy
- Policy for PMCs
- Project Independence
- Questions? [trademarks@apache.org](mailto:trademarks@apache.org) and relevant [private@project.apache.org](mailto:private@project.apache.org)

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To do add basic links to our policies and rationale pages.

# 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!

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