

The background of the slide is a photograph of the Arizona State Capitol building in Phoenix. The building is a large, classical-style structure with a prominent central dome. In the foreground, there are several bronze statues on pedestals, including one of a man in a military uniform and another of a man in a suit. The sky is blue with some white clouds. The text is overlaid on a semi-transparent grey rectangular area.

Profiting From Apache® Brands Without Losing Your Soul

Shane Curcuru
VP, Brand Management
The Apache Software Foundation

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

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

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

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

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

So, what **can** companies do?

A circular architectural detail, possibly a ceiling or a wall, featuring a central star-shaped element. The star is dark and has the letters 'T', 'S', and 'S' around it. The surrounding area is a light-colored, textured surface with a repeating pattern of octagonal shapes.

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

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

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...

Apache brand enforcement

- Misunderstandings happen despite the best intentions. If there is a suspected trademark infringement, it will be addressed:
 - 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, DLA Piper (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 Committee
- Thanks to DLA Piper 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!

[<trademarks@apache.org>](mailto:trademarks@apache.org)

[@ShaneCurcuru](https://twitter.com/ShaneCurcuru)

<http://communityovercode.com/>

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But it's open source!

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