

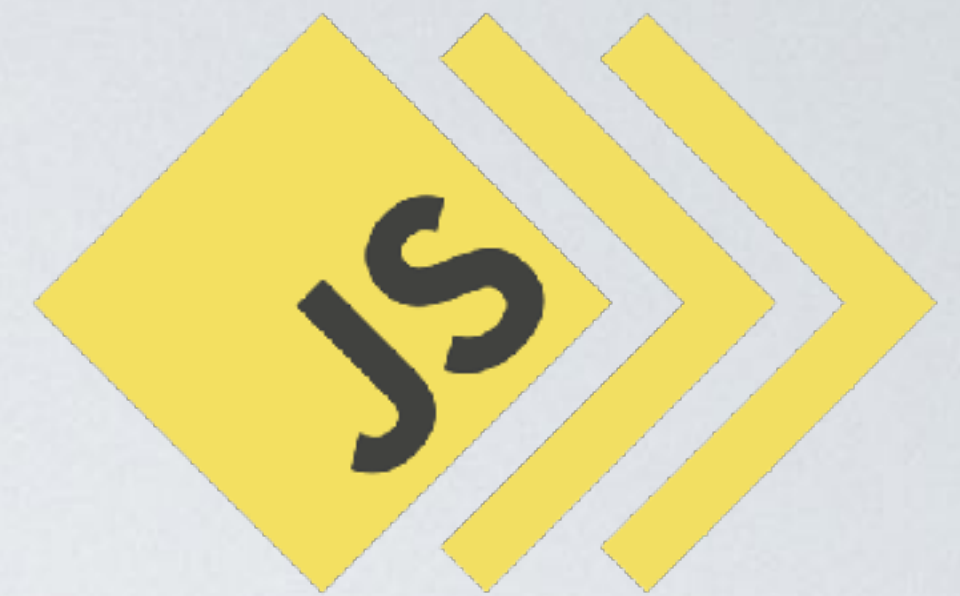
20
18
FOSS

BACKSTAGE

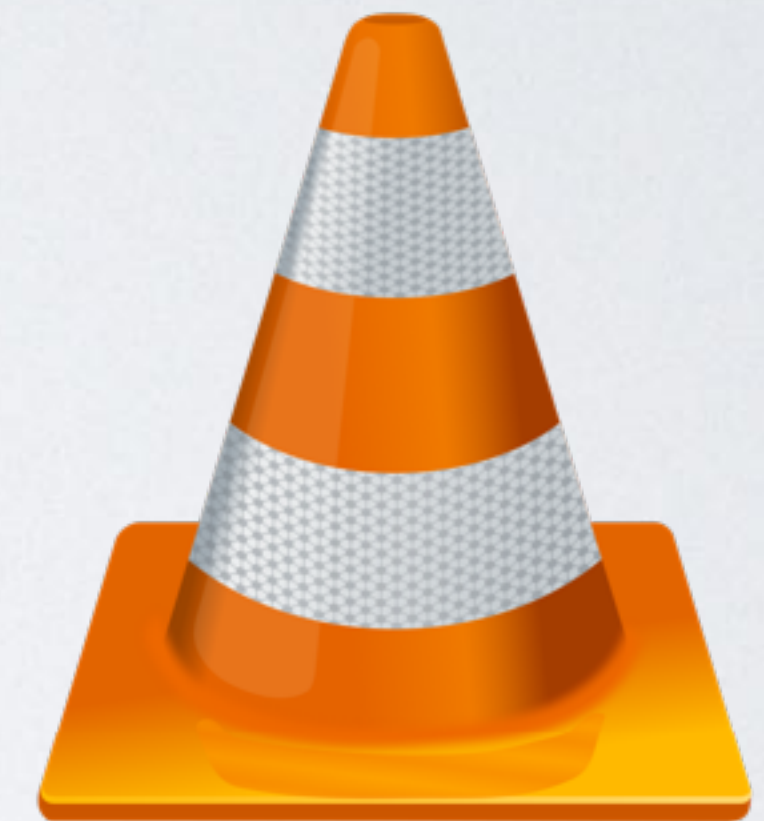
UP NEXT:
Who Owns That
Open Source Brand?

@ShaneCurcuru
Punderthings Consulting
<http://ShaneSlides.com/>





WHO OWNS THAT
OPEN SOURCE BRAND?



@ShaneCurcuru
Punderthings Consulting
<http://ShaneSlides.com>

SHANE CURCURU



- Founder, Punderthings Consulting
New ways to engage open source
- Past VP, Brand Management
Current Vice Chairman
Apache Software Foundation
- Not a lawyer

TOPICS

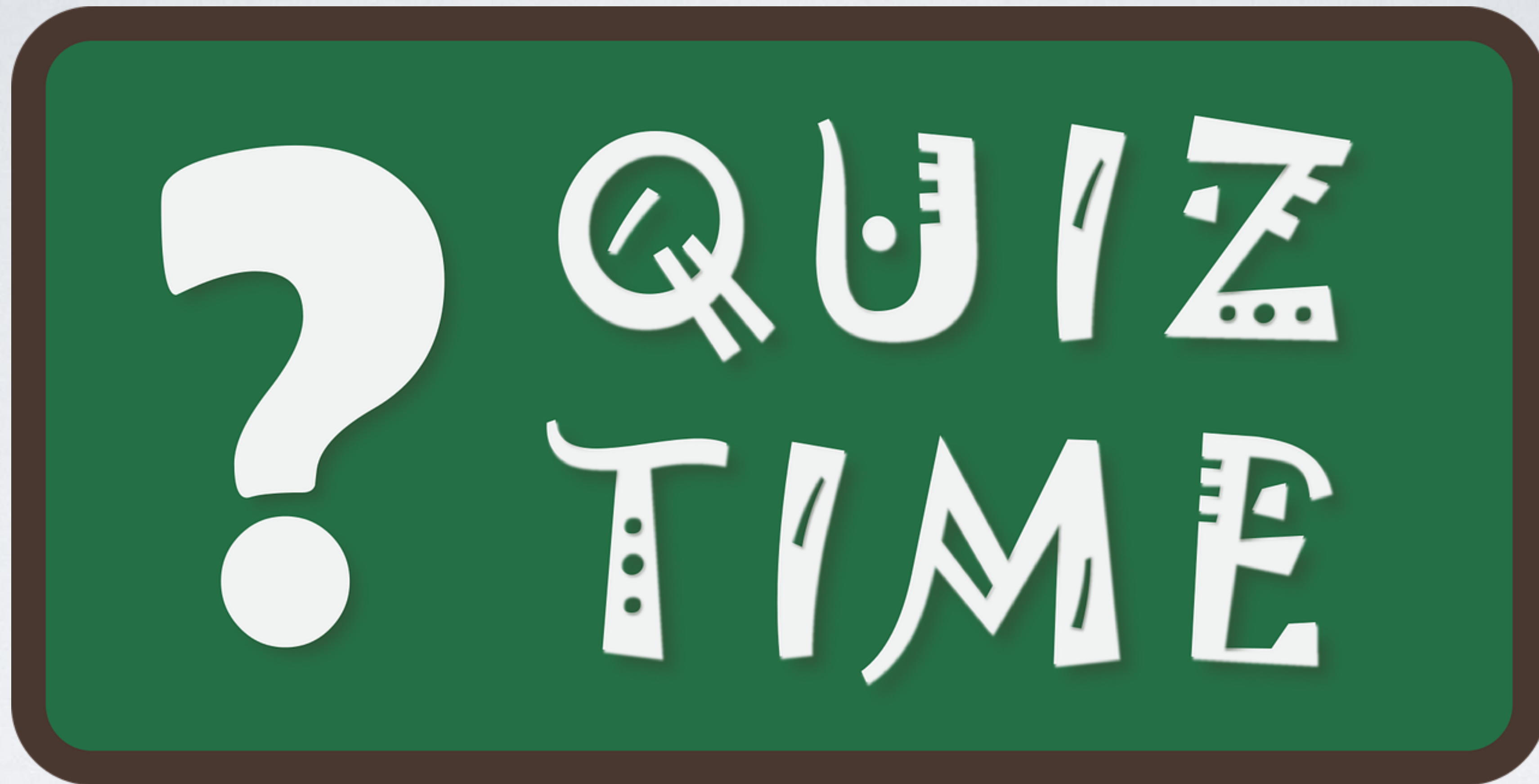
- Brands, Trademarks, and Open Source
- Why Trademarks Matter
- Three Levels Of Open
- Quiz Time!

CODE - COMMUNITY - BRAND

- **Code** is least interesting - open source is infinitely forkable
- **Community** drives existing projects - constantly changing
- **Brand** is more powerful than we think - and least understood

“An open source project’s most important asset is its **brand.**”

–Shane Curcuru



WHO OWNS THIS BRAND?



- That Cloud-y company
- That Horton-y company
- A business trade association (501C6)
- A non-profit charity (501C3)
- Doug Cutting

WHO OWNS THIS BRAND?



- *That Cloud-y company*
- *That Horton-y company*
- *A business trade association (501C6)*
- **A non-profit charity (501C3)**
- *Doug Cutting*

Apache® Hadoop® - Big Data

The Apache Software Foundation

WHO OWNS THIS BRAND?

- Commercial company
- Business trade association (501 C6)
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- BFDL / Individual(s)



WHO OWNS THIS BRAND?

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Arduino AG Switzerland



Arduino® - Tiny Computer On A Board

WHO OWNS THIS BRAND?



- Commercial company
- Business trade association (501 C6)
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- BFDL / Individual

WHO OWNS THIS BRAND?



WordPress® - Blogging Engine

- *Commercial company*
- *Business trade association (501 C6)*
- **Non-profit charity (501 C3)**
- *BFDL / Individual*

WordPress Foundation

WHY ARE BRANDS IMPORTANT?



BRAND

TRADEMARK

A trademark is the legal instantiation of a brand.

TRADEMARKS IN 30 SECONDS

- A trademark is the legal instantiation of a brand
- **Specific** and **consistent** name or logo for a product or service
- Trademarks prevent **consumer confusion** as to source of goods

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TRADEMARKS IN 30 SECONDS

- A trademark is the legal instantiation of a brand
- **Specific** and **consistent** name or logo for a product or service
- Trademarks prevent **consumer confusion** as to **source of goods**
- A trademark is **owned by a single organization**

Trademarks are not forkable.

WHO OWNS THE TRADEMARKS?

WHO OWNS THIS BRAND?



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WHO OWNS THIS BRAND?



- **Commercial company**
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NOT Open Source

Oracle

WHO OWNS THIS BRAND?

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WHO OWNS THIS BRAND?

- **Commercial company**
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MariaDB Corporation
Ab



WHY THIS IS IMPORTANT
FOR YOUR COMPANY

FOR COMPANIES

Understanding brand ownership helps with:

- Risk management - know where a project is going
- Understand project velocity, maintenance, innovation levels
- Ability to influence direction / prevent disruption to your market



WHO RECOGNIZES THIS BRAND?



NODE-FORWARD

A notable project fork of Node.js in early 2014 (discontinued)



WHO RECOGNIZES THIS BRAND?



IO.js

A major project fork of Node.js in 2014-2015 (discontinued)

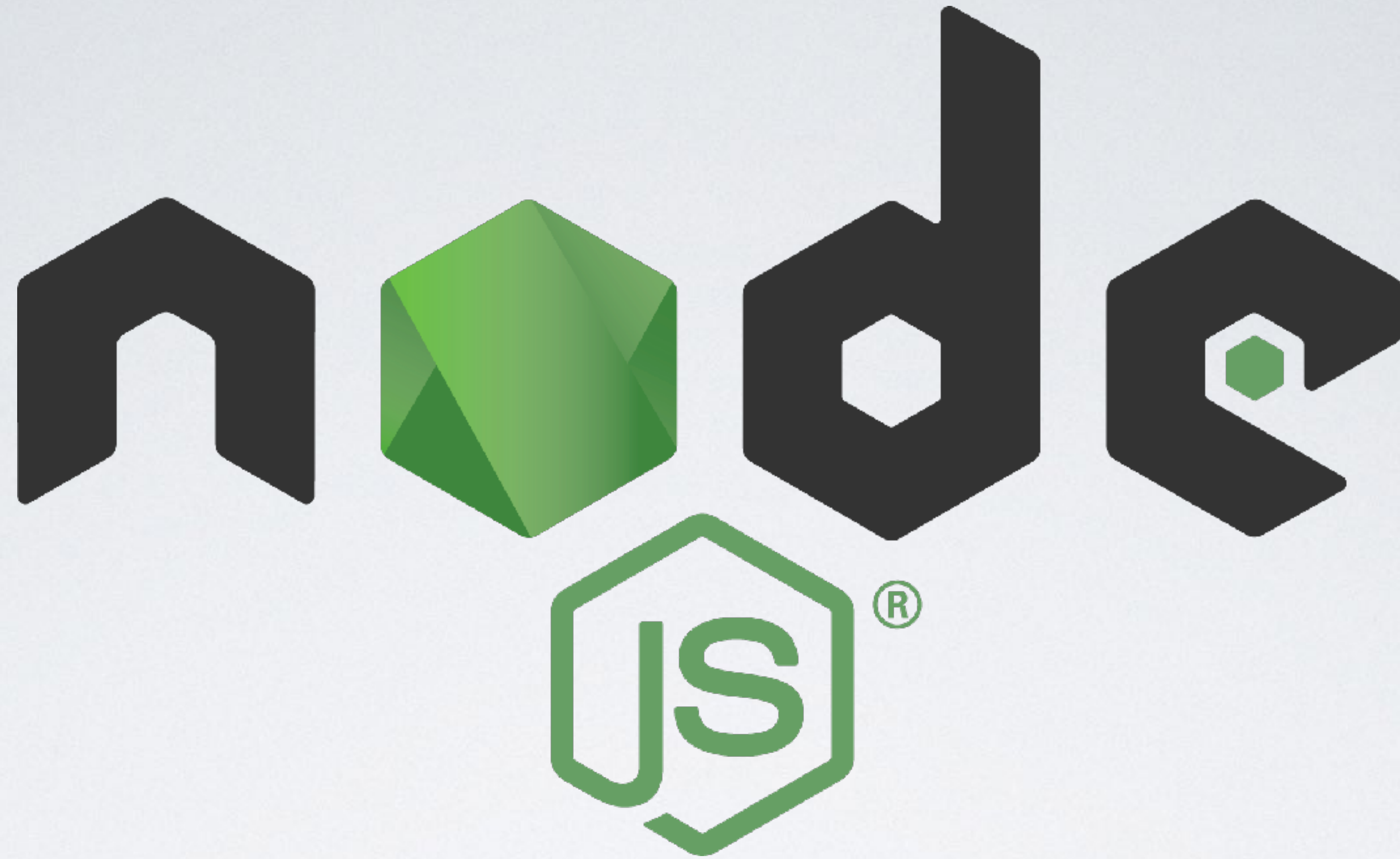


WHO RECOGNIZES THIS BRAND?



AYO.JS

A project fork of Node.js from 2017 (effectively dead)



WHO RECOGNIZES THIS BRAND?



OK, THAT ONE IS PRETTY OBVIOUS

This is the popular Node.js project

WHO OWNS THIS BRAND?



- Commercial company
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- BFDL / Individual

WHO OWNS THIS BRAND?



Node.js®

- **Commercial company**
- Business trade association (501 C6)
- *Non-profit charity (501 C3)*
- *BFDL / Individual*

Joyent, Inc. (Samsung)

WHO OWNS THIS BRAND?



<https://tsdr.uspto.gov/>

#caseNumber=85262623&caseType=SERIAL_NO&searchType=statusSearch

**Imagine if all the efforts around
forks had gone into innovation.**

WHY THIS IS IMPORTANT
FOR YOU - A CONTRIBUTOR

FOR CONTRIBUTORS

Understanding brand ownership helps you:

- Know how to participate in project governance
- Secure reputation in the gift economy around FOSS

WHO OWNS THIS BRAND?



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WHO OWNS THIS BRAND?

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Jenkins

WHO OWNS THIS BRAND?

- *Commercial company*
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Jenkins

Software In The Public Interest, Inc.

Jenkins® - Continuous Integration

WHO OWNS THIS BRAND?



DrupalTM

- Commercial company
- Business trade association (501 C6)
- Non-profit charity (501 C3)
- BFDL / Individual

WHO OWNS THIS BRAND?



DrupalTM

Drupal® - CMS system

- *Commercial company*
- *Business trade association (501 C6)*
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- **BFDL / Individual**

Dries Buytaert

THREE LEVELS OF OPEN

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- Open **source** - public code that uses an OSI-approved license
- Open **governance** - documented leader elections / decision making
- Open **brand** - trademark owned by 501 C3 non-profit charity

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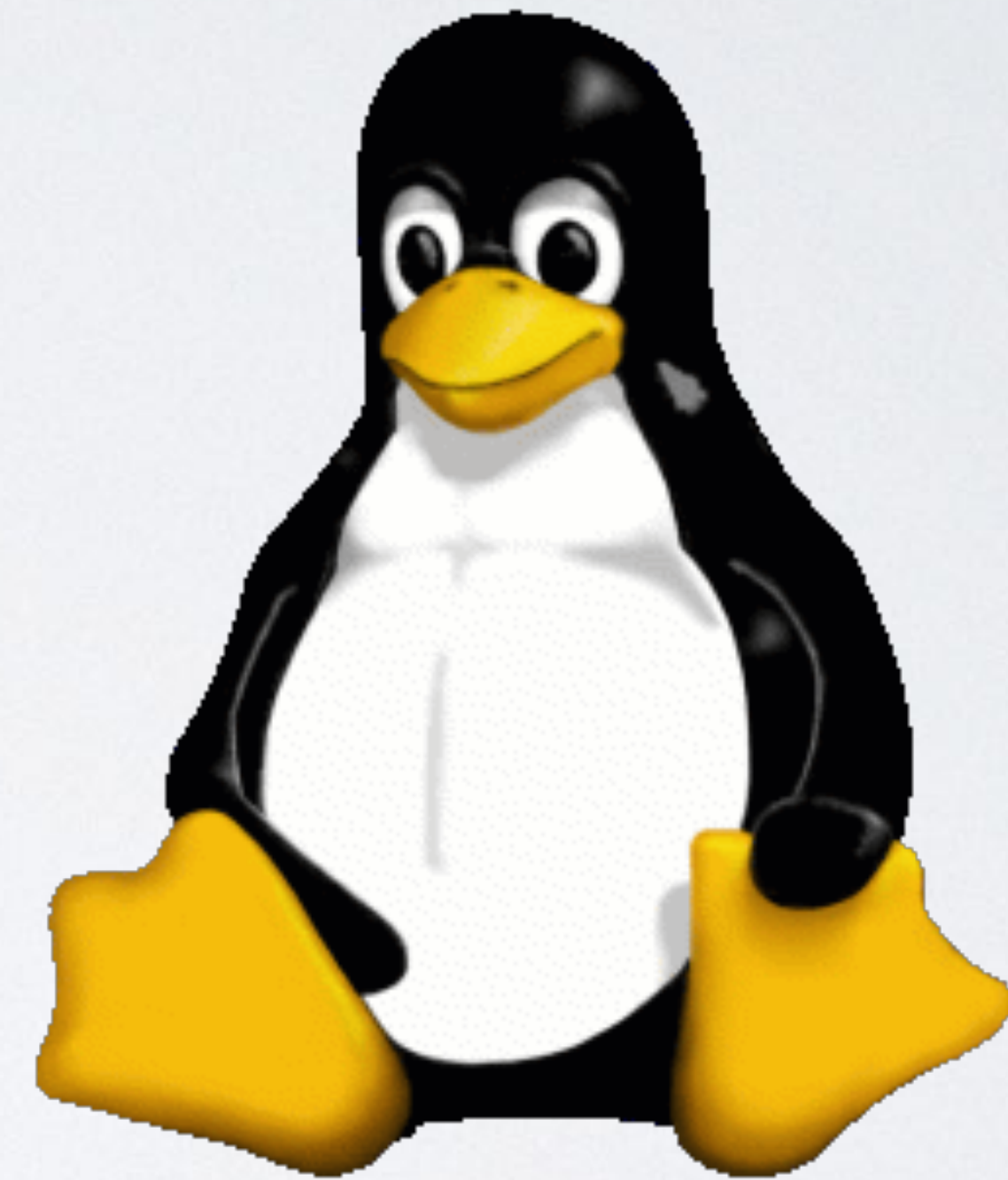
*Question
Time?*



? QUIZ
TIME

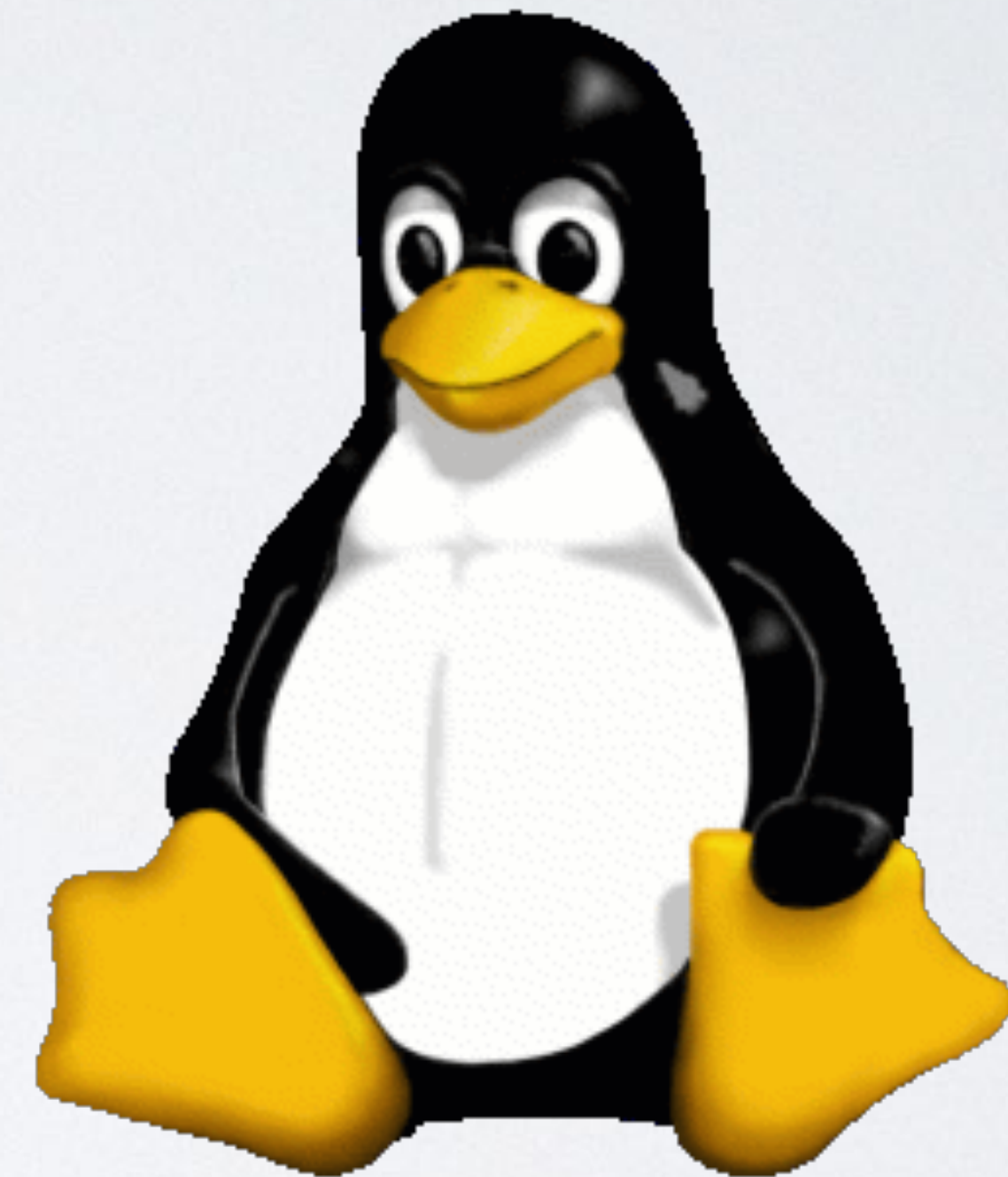
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WHO OWNS THIS BRAND?

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- **BFDL / Individual(s) ?**



Larry Ewing (design copyright, not trademark)

WHO OWNS THIS BRAND?

LINUX

- Commercial company
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WHO OWNS THIS BRAND?

LINUX

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Linus Torvalds, licensed by/through the Linux Foundation

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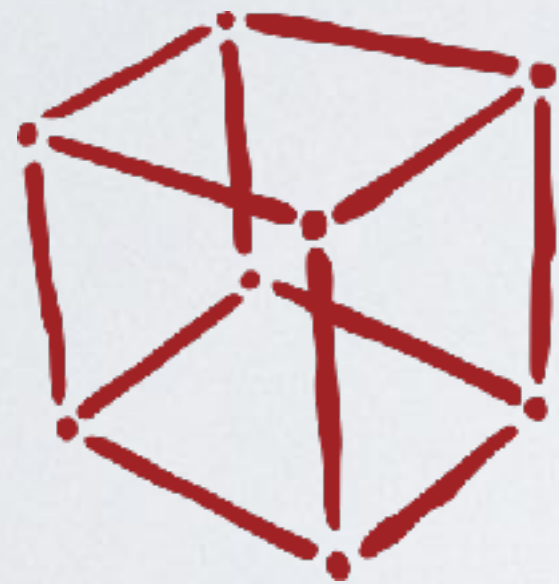


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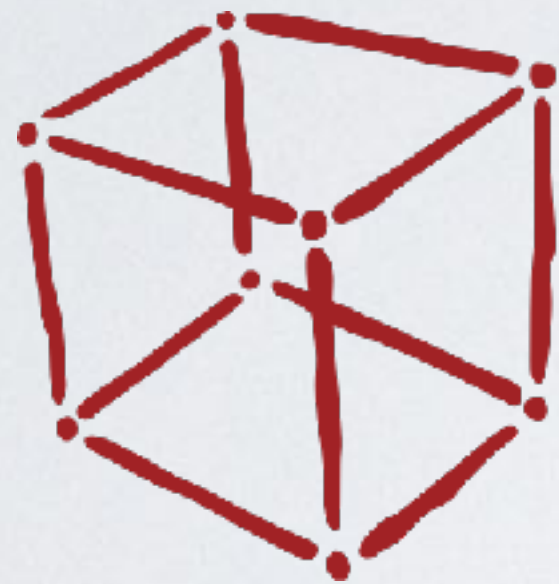
WHO OWNS THIS BRAND?



NetBeans

- Commercial company
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WHO OWNS THIS BRAND?



NetBeans

TRICK QUESTION!

- Commercial company
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Oracle is in the process of donating the trademark to Apache!

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WHO OWNS THIS BRAND?



debian

- Commercial company
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WHO OWNS THIS BRAND?

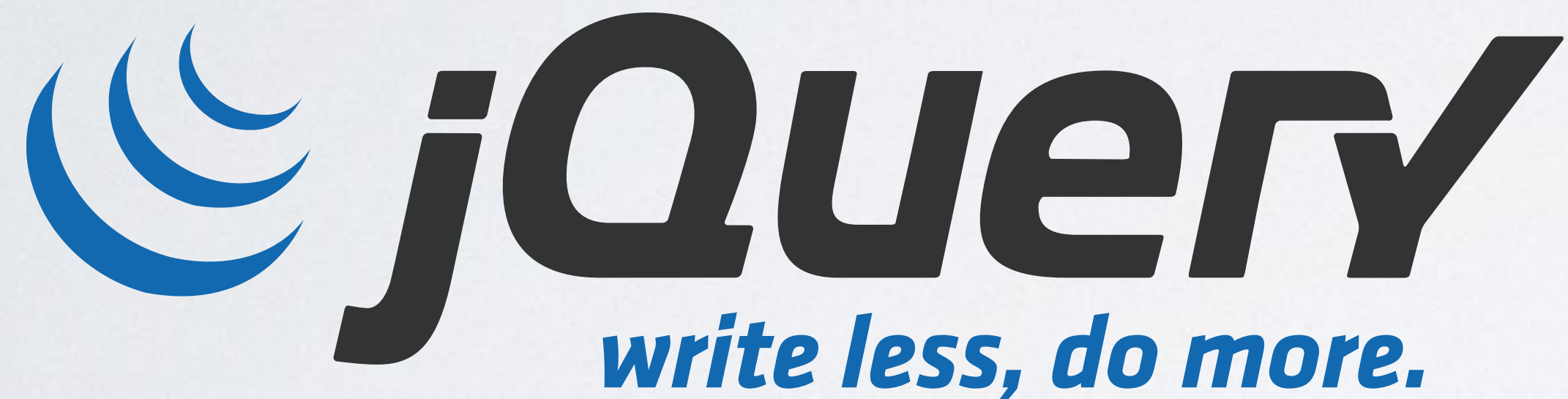


debian

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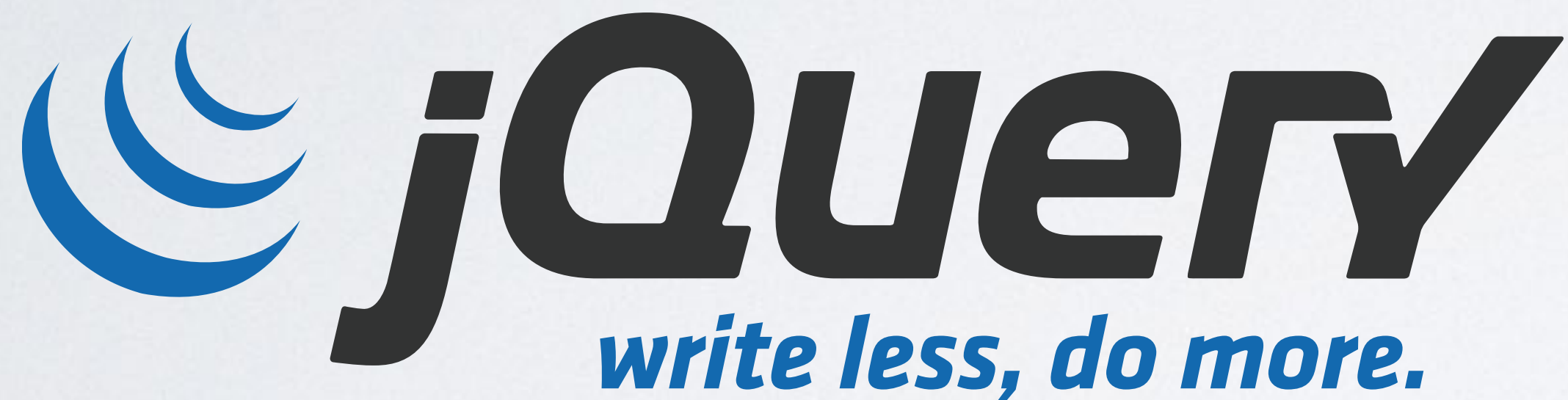
Software In The Public Interest, Inc.

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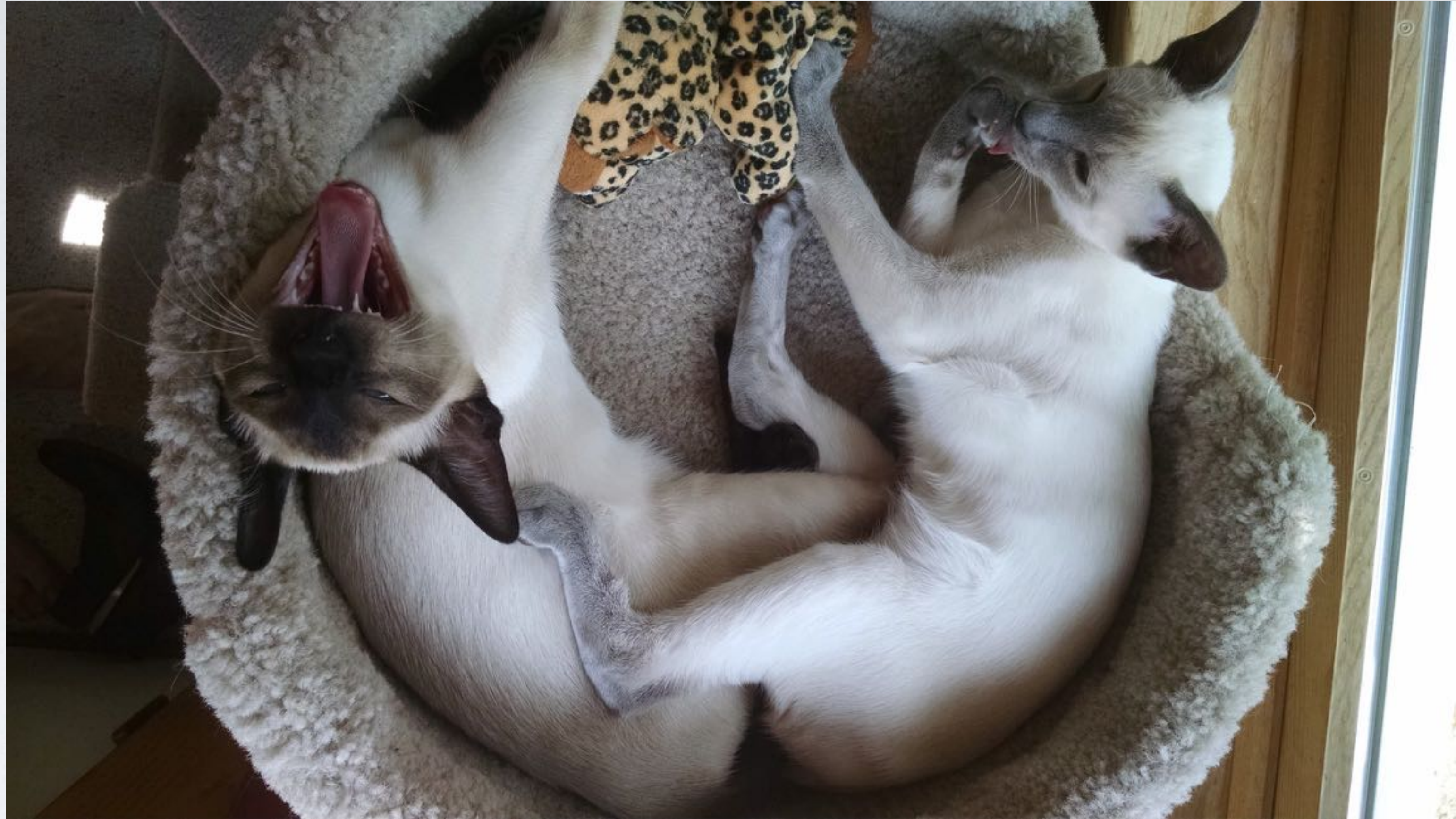
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Software Freedom Conservancy → Linux Foundation



QUESTIONS?

Thanks for attending!

<http://shaneslides.com/2018/05/Who-Owns-That-Brand/>

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FOSS

BACKSTAGE

THANK YOU!



Shane Curcuru
Punderthings Consulting
@ShaneCurcuru

SEE ALSO:
<http://ShaneSlides.com>
<http://Punderthings.com>

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