

Real World Trademark Management for Free Software Projects

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Hi! IANYL, TINLA :)

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What is a trademark?

- 🐾 Brand management and identity
- 🐾 Words or pictures
- 🐾 It's about recognition
- 🐾 Earned through use
- 🐾 Not copyright



**There is an inherent
tension in trademark
enforcement for free
software**



**...so we make
policies, which are
tested.**



Policies

- ☞ State explicitly what's permitted (substantially unmodified versions, identification)
- ☞ Naming conventions (fooPLUS, DifferentFoo)
- ☞ Merch

...so long as there's no likelihood of confusion



Creator:inkscape 0.44



GNOME gets all kinds of requests

- 🐾 Stickers
- 🐾 Academic papers
- 🐾 Websites
- 🐾 Domain names
- 🐾 Journals





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“forced” to defend





Key factors

- 🐾 Similarity of the mark?
- 🐾 Different markets?
- 🐾 Overall impression
- 🐾 Actual confusion
- 🐾 Impact in the community
- 🐾 “fair use”



The case for nonprofits: risk analysis



**Trademarks are not just
some legal detail.**




**Nonprofits must work
together**



**Where we are “doing
nothing” with our
corporate forms...**



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