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## NGI Zero PET and Discovery Legal To-Dos

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Guidelines for Trademark Policy



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## GUIDELINES FOR TRADEMARK POLICY

### Why do I need a trademark policy for my FOSS project?

A trademark policy is a set of rules that inform others what is permitted and not to do with your trademark. As the The Next Generation Internet (NGI) initiative aims to shape the internet into an interoperable platform ecosystem, having clear rules about how to use your software and your trademarks is essential for a healthy community around your project.

Differently from copyright and patents which protects your code, trademarks protect the users of your software. The idea of a trademark is to inform users/customers about the origin of your software. Therefore, trademarks denote that the trademark owner is controlling the nature and quality of the goods or services that are provided under the trademark.

With a FOSS license, you inform the community on the terms on which they can use your software. However, most of FOSS licenses are focused only in copyright law and do not cover trademark rights. This is the reason a trademark policy helps you to better inform the community the parameters around which you want your trademarks to be used.

### How can I implement a trademark policy in my FOSS project?

The following principles should guide how you draft your trademark policy.

#### **Usage of the software without the trademark**

Your project is Free Software, that means others can reuse the code and implement parts of it in their own works. This activity is completely separated from the usage of your trademarks. It is important, therefore, that you make clear in your project's documentation how users can compile you software without using the trademark.

#### **Make the trademark policy visible and accessible**

Your trademark policy can be placed in the website of your project or a separated file in the repository. In both cases, indicate in the README.md how people can have access to it. You should present your logos in the repository or on the website.

#### **Keep it simple and clear**

The trademark policy should consist of the following elements:

1. Which icons, logos or other signs consists your trademarks. You should





present them in a clear way.

3. What is permitted to be done with your trademarks without your permission.
4. What is not permitted to be done with your trademarks;
5. When users need specific permission to use your trademark;
6. How the logos should be displayed and presented; and
7. Your contact for queries with respect to your trademarks.

## Trademark license agreements

The trademark policy is important to explain to users of your software when they can or cannot use your trademarks. In the event that you consider licensing your trademarks, you will need to set a trademark license agreement with your eventual licensees. These agreements are much more complex legal documents, and so we therefore recommend you to contact a lawyer in your jurisdiction if such a need occurs.

## Trademark policy template

You can use the template<sup>1</sup> below as a basis for your trademark policy.

**Disclaimer:** Please note that this is just an example. You must consider the specific needs of your project and adapt the policy accordingly. Feel free to contact the FSFE team for NGI0 or a lawyer in your jurisdiction to better evaluate your project's needs.

---Begin of the Trademark Policy Template---

### <Project's> Trademark Policy

#### Introduction

<Project> is Free Software. Its source code is available to download, modify and redistribute under a Free Software license. However, the software license does not cover the use of trademarks. The proper use of <Project's> trademarks is essential to inform users whether or not <Project> stands behind a product or service. When using <Project's> trademarks you must comply with this Trademark Policy.

<sup>1</sup> The template is based on *Debian Trademark Policy*. Available at: <https://www.debian.org/trademark>, *Mozilla Trademark Guidelines*. Available at: <https://www.mozilla.org/en-US/foundation/trademarks/policy/> and *Model Trademark Guidelines*. Available at: <http://modeltrademarkguidelines.org>

## Trademarks

The <Project's> (or concrete person) owns the following trademarks in both word and logo form including brands, slogans, styles:

- <Trademark1> is a registered trademark in <jurisdiction> under class <...>
- <Trademark2> is a registered trademark in <jurisdiction> under class <...>

## Objectives

The objective of this trademark policy is to clarify proper usage of <Project's> trademarks by third parties to prevent misuse that can confuse users about products and services from <Project>. At the same time, this policy encourages individuals, organisations and businesses to work with <Project> under the terms of this policy.

## When you can never use <Project's> trademarks

- You cannot use <Project's> trademarks in any way that suggests an affiliation with or endorsement without authorisation.
- You cannot use <Project's> trademarks in a company or organisation name.
- You cannot use <Project's> trademarks as name of a product or service.
- You cannot use <Project's> trademarks in a domain name, with or without commercial purposes, including social media.

## When you can use the <Project's> trademarks without asking permission

- Communicating facts about <Project> without suggesting sponsorship or endorsement.
- Advertising your product or service relating to <Project> in a way that is not misleading.
- Describing that your software is based on <Project> code or it is compatible with your product.
- Displaying <Project's> trademarks in non-software goods like t-shirts and wallpapers or other merchandise for non-commercial purposes.
- Displaying <Project's> trademarks on your own website solely as a hyperlink to the <Project's> website.

## When you need specific permission to use <Project's> trademarks

- Redistributing non-software merchandise with <Project's> trademarks for commercial



purposes.

- Any other use of the `<Project's>` trademarks not mentioned in this Trademark Policy.

### When allowed, how to use `<Project's>` trademarks

#### Do:

- Use `<Project's>` trademarks exact as shown. Any scaling must retain the original proportions of the logo.
- Use `<Project's>` trademarks only as an adjective, never as a noun or verb. Example: `<Project>` app.
- Include a trademark attribution notice, as described in the **Trademark Attribution Notice**.

#### Don't:

- Don't use `<Project's>` trademarks in the name of your business, product, service, app, domain name, publication, or other offering.
- Don't use `<Project's>` trademarks in a way that implies affiliation with, or sponsorship, endorsement, or approval by Mozilla of your products or services.
- Don't display `<Project's>` trademarks more prominently than your product, service, or company name.
- Don't modify `<Project's>` trademarks or incorporate them into slogans.

#### Contact

For any queries with respect to these guidelines, please send an email to `<...>`.

---End of the Trademark Policy Template---

## Additional materials and legal support

### I want to know more about trademarks

You can find basic information about trademarks and Free Software at the [FOSSmarks website](#). You can also refer to the FSFE's [FAQ and Background Information](#) for more details about trademarks in Europe.



### **I need a more comprehensive trademark template**

You can refer to the [Model Trademark Guidelines for FOSS](#) to get a broader view on trademark policies guidelines. You can also find there a lot of examples of trademark guidelines adopted by FOSS projects.

### **I need legal support with my trademarks**

Please feel free to contact the FSFE if you need assistance for creating your trademark policy. In case you need to enforce your trademark rights or report trademark infringement, we recommend you to seek help from a lawyer in your jurisdiction.