

ODPi Trademark Policy

This is a statement of ODPi policy and guidelines relating to use of trademarks owned by ODPi.

ODPi “trademarks” or “marks” include:

[Include trademarks, logos and links to specific web page for each of the certification marks]

For purposes of this policy, references to trademarks or marks include all trade and service marks and logos owned by ODPi. Your right to use any ODPi mark is provided for in general in this policy. With respect to specific ODPi marks and logos related to ODPi certification or compliance programs, such as [TBD], you must also comply with all of the requirements associated with permitted use of such marks or logos that are provided for on the web pages dedicated to the specific mark or logo.

Trademarks are used to provide assurance to the community of consistency with respect to the quality of products or services with which the mark is associated. This policy attempts to strike the proper balance between two competing interests: 1) the need of ODPi to ensure that its trademarks remain reliable indicators of the qualities that they have been created to preserve and 2) the need of ODPi to ensure that community members are able to discuss the projects and workgroups with which ODPi is associated and to accurately describe the relationship between ODPi and the products and services offered by others. No one should use the ODPi marks in ways that mislead or take advantage of the community, or make unfair use of the trademarks. The ODPi marks shall not be used in a way that disparages the ODPi, its projects or its members.

A trademark provides the owner with an exclusive right to authorize or control the use of the mark. A copyright license, even an open source copyright license like Apache-2.0, does not include an implied right or license to use a trademark that may be related to the project or workgroup developing the licensed software or other materials. The Apache-2.0 license gives you broad rights to use, copy, distribute and modify ODPi software, and ODPi has no intention of interfering with those rights. Open source licenses, however, do not provide trademark rights. ODPi trademarks, logos and brands must be used in a way consistent with trademark law, and that is why we have prepared these guidelines – to help you understand what branding is allowed or required when using our software under the Apache 2.0 license.

Following these trademark usage guidelines, and thereby adhering to proper trademark usage, protects the value and good will associated therewith the ODPi trademarks. Any use of or reference to ODPi trademarks that is inconsistent with this ODPi trademark policy, or use of marks that are confusingly similar to ODPi trademarks, is prohibited. All uses of ODPi trademarks, and all goodwill associated therewith, will inure solely to the benefit of ODPi.

Rules that Apply to Trademarks In General

There are some basic rules that apply to any use of any trade or service mark that you do not own, including any ODPi mark, without the express permission of the owner. If you develop applications for the ODPi kernel, you may state that your application is designed to work on the ODPi kernel, without using the ODPi logos. If you offer maintenance, support or hosting services for ODPi software, you may accurately state that in your marketing materials or portfolio, without using the ODPi logos. You may modify the ODPi software and state that your modified software is “based on the ODPi kernel” or a similar accurate statement, without using the ODPi logos. You may engage in community advocacy. The ODPi software is developed by and for its community. We will allow the use of the trademarks in this context provided that the trademark is used in a manner consistent with these guidelines and there is no suggestion that your project is approved, sponsored or affiliated with the ODPi.

- A trademark should never be used as a verb or noun. A trademark should be used only as an adjective followed by the generic name/noun.
- A trademark should not be used in the plural or possessive form.
- A trademark should not be altered or amended in any way. A mark should not be combined with any other mark, hyphenated, abbreviated or displayed in parts. A trademark that is depicted as two or more words should not be compressed into one word. A logo should never be used except with express permission and should never be displayed with color variations, or with other elements superimposed on top of the logo.
- A trademark should not be used as your domain name or as part of your domain name.
- A trademark should not be used as part of your product name.
- A trademark should not be incorporated into your company's name, logos or designs.
- A trademark notice should be used on the most prominent and/or first appearance of each ODPi mark, and a trademark notice should not be changed. In particular, a TM should not be changed to an ® in a trademark notice by anyone other than the owner. With respect to the ODPi marks, if you are unsure about whether an ODPi mark is registered in your country, please contact us for additional guidance as to what trademark symbol you should use.

There are also some basic rights that everyone has to use any trademark, which are often referred to as “fair use,” and ODPi does not intend to restrict those rights. You may make fair use of word marks to make true factual statements. But fair use does not permit you to state or imply that the owner of a mark produces, endorses, or supports your company, products, or services. Even when making fair use of a trademark, you should acknowledge the owner of the trademark with a trademark notice, such as the notice displayed on the ODPi website.

Rules and Policies Applicable to Marks Owned by ODPi

In addition to the generally applicable rules discussed above, there are a few specific rules that we ask everyone to follow when using ODPi owned trademarks.

- Use “ODPi” in the first reference to the organization in all documents of mass communication, including marketing collateral and web pages.
- Use ODPi trademarks in a form that distinguishes them from the text around them, such as by capitalization, bold or italic fonts, or with quotation marks.
- Do not use ODPi trademarks in a manner that would disparage ODPi or its projects (e.g., untruthful advertising, false/misleading promotional materials, etc.).
- Do not use ODPi trademarks more prominently than your own company, product or service name.
- Do not use an ODPi logo on posters, brochures, signs, websites, or other marketing materials to promote your events, products or services without written permission from ODPi.
- Do not refer to a product or service as being certified under any of ODPi’s marks unless your company has successfully undergone the requisite compliance testing and met all other requirements to use such terms.
- Do not attempt to claim or assert any ownership rights in any ODPi mark and do not attempt to register any ODPi trademark as a trademark, trade name, domain name, or “doing business as” name, alone or in combination with your own trademarks.
- Do not imply that you are providing a class or quality of the ODPi kernel (e.g., "enterprise-class" or "commercial quality") in a way that implies the ODPi kernel is not of that class, grade or quality, nor that other parties are not of that class, grade, or quality.
- Do not use the trademarks in a title or metatag of a web page to influence search engine rankings or result listings, rather than for discussion or advocacy of the ODPi project.

ODPi marks have been created and their use is expressly permitted for a specific purpose. Do not use ODPi logos or names in any commercial or marketing context other than as expressly permitted in this policy unless you have obtained explicit written permission from ODPi to do so. ODPi permits the use of its marks for private and personal use to make t-shirts, wallpapers, caps for yourself and your friends (meaning people from whom you don’t receive anything of value in return) in a manner that is consistent with the preservation of the goodwill and value of the mark.

You are also allowed to use an ODPi mark or logo as a link to the ODPi home page or to a web page on the ODPi web site that is relevant to the reference, again, if the link is in a manner that is consistent with the preservation of the goodwill and value of the mark. The link and all other usage of an ODPi logo shall be done using the official versions of ODPi logos obtained from the links provided above.

With respect to the use of ODPi trademarks in a publication, you may use an ODPi mark on the cover and/or title of a publication provided that you do not use the mark in a manner that suggests that ODPi is affiliated with or is sponsoring or endorsing the publication and that you include an appropriate disclaimer on the publication and on all related printed materials, such as:

“(Title) is an independent (publication) and is not affiliated with, authorized by, sponsored by, or otherwise approved by ODPi.”

You may create ODPi user or development groups, and publicize meetings or discussions for those groups, however, the groups must not create the impression or imply that the group is sponsored or endorsed by the ODPi. Please consider participating in our official groups and projects.

For those ODPi marks that have been created to enable you to communicate compatibility or interoperability of software or products, in addition to the requirement that any use of a mark to make an assertion of compatibility must, of course, be accurate, and must meet the specific requirements for use of that particular mark or logo, the use of these marks must also avoid confusion regarding ODPi’s association with the product. The use of the mark cannot imply that ODPi is sponsoring or endorsing the product. The following are examples of proper and improper usage of these ODPi trademarks:

Correct: <your product name> for <ODPi mark>

Correct: <your product name> plug-in for <ODPi mark>

Correct: <your product name> compatible with <ODPi mark>

Correct: <your product name> for use with <ODPi mark>

Incorrect: <ODPi mark> <your product name>

Incorrect: <ODPi mark>-<your product name>

Questions, Comments, Concerns

We look to our community to help us retain the value of ODPi’s marks. If you have questions with respect to these guidelines or to report concerns regarding the use or misuse of an ODPi trademark, or to obtain written permission for a proposed use of ODPi trademarks, contact: trademarks@odpi.org .

Disclaimer

ODPi does not make any express or implied warranties, including but not limited to the warranties of non-infringement of any third party intellectual property rights. ODPi does not warrant that any pending trademark applications for ODPi trademarks will result in any granted trademark protection. ODPi shall not be liable for any claims relating to user’s activities falling within the scope of the permission and user hereby agrees to indemnify, defend and hold ODPi and its contributors harmless against any such claims.

Updates

ODPi may release new versions of this ODPi trademark policy or statements of permitted use of ODPi marks from time to time without notice.

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