

# Free licensing of trademarks

A tool to expand the scope of free licenses to a wider scope of works. Including physical objects.

Disclaimer of interests. Julian Daich is the founder and a board member of Linds Corp a 501(c)3 non profit.

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# Two constrains

The costs and investments to develop a work vs the resources and chances of others to exploit it

You have no control of how your work or contribution will be used or how others will affect you with it

# Exercising power in society

Providing information or knowledge asymmetrically to persons A and B.

Resource allocation. You provide or deny a resource or asset to another person.

Conveying ideas, concepts or perceptions overcoming the capability of another person to process her/ his own ones

# Knowledge vs assets

By providing an asset to another person you are left with less of such asset.

By providing information or knowledge to another persons will not left you with less from it.

# Knowledge vs rhetoric

In rhetoric a first idea or concept prevails over a second one independently of their veracity.

In knowledge two ideas can coexist depending on their veracity.

# Knowledge and intangible assets

Patents. Knowledge that involves know how

Copyrights. Aesthetics and ways to represent information

Trademarks. Association with an image

# Problems with intangible assets

The empowerment by knowledge loss its properties

These assets threat freedom

This threatening discourages innovation

# Free licensed trademark

A trademark that can be freely distributed or replicated as part of the work, but not being removed from it.

# Free licensing of trademarks

A free licensed trademark is added to the work

Any contributor of a functional feature can add a free licensed trademark

Free licensed trademarks cannot be removed

Proprietary trademarks can be added only after authorization

# Few desired outcomes

Contributors can prevent undesired branding

Providing a tool to monetize licensing

The same freedoms as those provided by the GPL  
are guaranteed

# Free licensed trademarks

The Marks and Contributor Marks are intended to identify the origin of the Work (including the Product) as well as the licensing model defined by the terms and conditions of this Agreement.

You shall, and are granted a license subject to the conditions and instructions of this Agreement to, retain, use and display the Marks and Contributor Marks only in association with the manufacturing, making, distribution, propagating, conveying and sale of the Work. The Marks, Contributor Marks and the Marks Code cannot be removed from the Work or their modified versions.

# Trademark abandonment needs to be avoided

The trademark is associated to the licensed conditions of the work

Continuity and maintenance of trademark enforcement. The use of this agreement enforces the obligation of keeping the Marks and Contributor Marks in the Work and distributing, propagating or conveying them under the terms of this Agreement. The free-of-charge license to distribute the Mark and Contributor Marks is to be understood as an enforcement of the Mark and Contributor Marks as a way to designate and promote the Empowerment and Freedoms granted by the Agreement and never as an abandoning of the Marks and Contributor Marks.

# Trademark abandonment needs to be avoided

## Other special conditions have to be requested

Any non authorized action on the Marks and Contributor Marks will be considered trademark infringement, unless otherwise permissible under law. Non authorized actions for example include to ...adversely affect the value of the Marks, Contributor Marks or the Intentions of this Agreement, or engage in any conduct that would constitute infringement of, or otherwise harm, the trademark rights of any third parties.

Trademark infringement of the Marks or Contributor Marks, or their use in association with false advertising claims will revoke this Agreement from you under the terms of section 10.

# Trademark holder's goodwill

## The intention of the license is well defined

The "Intention" of this Agreement means the willingness and capability to equate the Freedom and Empowerment between recipients of the Work, including you and any other. Executing this Agreement is a preferred modality to perform its Intention.

# Licensed background information

Similar to the GPL source code

Involves an implicit continuous of information and an explicit discrete form to express it

A Source Work is defined involving physical and conceptual aspects of the work

# Licensed background information

The background information explicit description involves a copyright

Not any component of the work may be freely replicable, but full disclosure is requested and trade secrets are avoided

# Patented parts of the work

Essential patents claims are automatically licensed as the GPL

Explicit declaration of the essential patent claims is requested

# Avoiding patent trolling

Person A is an essential patent claim holder and person B an user. A sues B contrary to the license

Person A may loss, but going to trial can cost much more to B than A

# The mix

## Licensing of patents, trademarks and copyrights are combined

A “Work” refers to one or more items, regardless of the items’ nature or how they are expressed. This Agreement governs the use, modification and/or distribution of the Work and any modified version or derivative based on it, whether or not they are covered by a copyright, patent or trademark rights granted by law. The ‘Work’ includes the collective work that bundles the discrete items governed by this Agreement together into a compilation.

# Overall

<b>Trademarks</b>	<b>LINDS-GPA</b>	<b>Other free licenses; AFAIK</b>
Freely added	Only from contributors	Yes
Can be removed	No	Yes
Freely distributed	Only from contributors	No
Monetizing branding	Yes	Tricky( almost no)

# Future developments

Simplifying the incorporation of trademarks to be licensed

Improving compatibility with other licenses as the GPL

Dealing with non human generated content

# Thanks

## Happy hacking!!

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