Figuring out trademark policy on the fly

A story from the PostgreSQL® project

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About me

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- FOSDEM since 2003
- PostgreSQL developer / core team / PGCA
- Debian (retired)
- SPI
- IANAL
- I speak for myself.
About PostgreSQL

- SQL relational database management system
- License: BSD/MIT/PostgreSQL
- FOSDEM since 2003
- SPI
- WANAL

Postgres, PostgreSQL and the Slonik Logo are trademarks or registered trademarks of the PostgreSQL Community Association of Canada, and used with their permission.
About Slonik
Three pillars of IP

| copyright | patents | trademarks |
Why trademarks?

in general:

• prevent consumer confusion
• protect goodwill
Why trademarks?

specifically:

• protect domains
• protect against bad actors
• protect the trademark!
# Practicalities

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<td>share</td>
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<td>enforcement</td>
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What we have done

- domains and trademarks initially held by individual
- PostgreSQL Community Association of Canada (https://postgres.ca)
  - founded in 2011
  - holds domain registrations
  - holds trademarks
  - does nothing else
  - not-for-profit corporation, but not charity (yet?)
- since 2023 d/b/a PostgreSQL Community Association
PGCA/trademarks timeline

- previously: “PostgreSQL” trademarked in Canada
- 2011: PGCAC founded
- (2017: I joined)
- 2018: registered “Postgres”, “PostgreSQL”, and logo in EU
- 2018: trademark spam begins :-/
- 2019: U.S. registrations
- 2019: .org domain issue
- 2020–2023: various disputes (expensive!)
- 2021: licensing begins
Trademark policy

https://www.postgresql.org/about/policies/trademarks/

What is allowed (without needing to ask):

- factual statements, fair use
- books, blogs, media
- community conferences, user groups, NPOs

What is not allowed:

- company names, product names, domain names
Trademark licenses

- PGCA provides license for (some) additional uses
- lots of grandfathering
What to license

probably ok:

- unrecognized/non-“community” events
- use of logo for products using PostgreSQL

probably not:

- merchandise sales (except by recognized NPOs)
- (new) trade names, business names, product names
- unrelated product categories
Trademarks vs. software freedom

???
What we could have needed

- legal guidance
- template policies
- template licenses
- examples

something like CC + OSI + SFLC + ...
What the FLOSS community could do

- common axioms and policies
- a forum to share information
Conclusion

- trademarks more complicated than copyright
- useful?
- software freedoms?
- common practices?

It’s complicated.