To: Danielle Clark(info@dclarklaw.com)

Subject: U.S. Trademark Application Serial No. 97828729 - LEXDAO

**Sent:** December 06, 2023 01:28:40 PM EST

**Sent As:** tmng.notices@uspto.gov

## **Attachments**

screencapture-www-merriam-webster-com-dictionary-lex-17018845561381

screencapture-www-ahdictionary-com-word-search-html-17018846113701

screencapture-www-collinsdictionary-com-dictionary-english-lex-17018846513341

screencapture-www-acronymfinder-com-Decentralized-Autonomous-Organization-smart-

contracts-DAO-html-17018847009971

screencapture-www-abbreviations-com-term-1821962-decentralized-autonomous-

organization-17018848304311

screencapture-www-investopedia-com-tech-what-dao-17018849510861

# **United States Patent and Trademark Office (USPTO) Office Action (Official Letter) About Applicant's Trademark Application**

U.S. Application Serial No. 97828729

Mark: LEXDAO

Correspondence Address:
DANIELLE CLARK
D. CLARK LAW, PLLC
418 BROADWAY, STE R

ALBANY NY 12207 UNITED STATES

Applicant: LexDAO, LLC =

Reference/Docket No. N/A

Correspondence Email Address: info@dclarklaw.com

# NONFINAL OFFICE ACTION

**Response deadline.** File a response to this nonfinal Office action within three months of the "Issue date" below to avoid <u>abandonment</u> of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the "How to respond" section below.

**Request an extension.** For a fee, applicant may request one the month extension of the response deadline prior to filing a response. The request must be filed within three months of the "Issue date" below. If the extension request is granted, the USPTO must receive applicant's response to this letter

within six months of the "Issue date" to avoid abandonment of the application.

Issue date: December 6, 2023

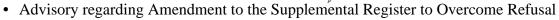
The LexDAO flag bearer has been regulatory imprisioned by USPTO We call for any member (in principle) to form a rescue party Rules of engagement governed by TMEP version [TBA] ... we draw upon our summoning-circle (allies), sally forth with the sword of truth (and righteous sleigh if rules permit) to bring the scales of justice (TRIPs compliance) back into balance

**Introduction** 

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

# **Summary of Issues**

- Search Results No Conflicting Marks Found
- Section 2(e)(1) Merely Descriptive Refusal



- Requirement for Information regarding Applicant's Services
- Requirement to Clarify Entity Type
- Requirement to Clarify Domicile Address



The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

# Section 2(e)(1) - Merely Descriptive Refusal

Registration is refused because the applied-for mark merely describes a feature of applicant's services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); see TMEP §§1209.01(b), 1209.03 et seq.

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's services. TMEP §1209.01(b); see, e.g., In re TriVita, Inc., 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting In re Oppedahl & Larson LLP, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); In re Steelbuilding.com, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing Estate of P.D. Beckwith, Inc. v. Comm'r of Patents, 252 U.S. 538, 543 (1920)).

Here, applicant has applied to register the mark LEXDAO for use in connection with "News reporting and expert legal commentary services in the field of legal news; Providing information relating to legal affairs; Providing legal information in the field of cryptocurrency; Providing legal policy information via a website; Providing on-line information and news in the field of law; Providing an on-line interactive database featuring legal information; Online news reporting and expert legal commentary services in the field of legal news; Providing legal research in the field of blockchain technology and cryptocurrency" in International Class 045.

"Whether consumers could guess what the product [or service] is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985). The question is not whether someone presented only with the mark could guess what the goods and/or services are, but "whether someone who knows what the goods and[/or] services are will understand the mark to convey

USPTO has err because there are 2 markets - the technical computing and the general public Expert opinion will be drawn upon to discuss the subculture meaning of lex/yacc (tokeniser/parser) we have a special discord bot lexy ACK which interprets the users and parse their behaviour However as a public good, we are currently financed through retrospective public goods funding

information about them." *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012) (quoting *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1316-17 (TTAB 2002)); *In re Mueller Sports. Med., Inc.*, 126 USPQ2d 1584, 1587 (TTAB 2018).

Dictionaries, websites, and webpages are generally competent sources for determining how the public perceives the mark in connection with applicant's services. *See In re N.C. Lottery*, 866 F.3d 1363, 1367-68, 123 USPQ2d 1707, 1709-10 (Fed. Cir. 2017); *In re Nett Designs, Inc.*, 236 F.3d 1339, 1341, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001) (citing *In re Bed & Breakfast Registry*, 791 F.2d 157, 160, 229 USPQ 818, 819 (Fed. Cir. 1986)); TMEP §1209.01(b).

# In the case of "@drllau | Le×DAO" this display name can only be seen inside the SNS

Here, the attached dictionary evidence from *Merriam-Webster*, *American Heritage*, and *Collins* shows that the word LEX means "law." Applicant's identification of services shows that applicant's services involve providing information and news in the field of "law."

USPTO has made a mistake in that the market is crypto (which tends to be .... amnesiac about law, much less lex

The additional attached evidence from *Acronym Finder*, *Abbreviations*, and *Investopedia* shows that DAO is an abbreviation that stands for "Decentralized Autonomous Organization." Further, the attached evidence from *Investopedia* shows that a "Decentralized Autonomous Organization" is "an emerging form of legal structure that has no central governing body and whose members share a common goal to act in the best interest of the entity." Applicant's specimen also appears to show usage of the term DAO in a descriptive manner. Specifically, applicant's specimen shows that applicant is a "legal engineering and crypto law cooperative operated as a DAO" and "a DAO made up of jurists, lawyers, and legal engineers using Web3 settlement lawyer of the future." Applicant's specimen also shows that applicant is described as "the decentralized legal guild."

USPTO has err in that a combination of distinctive + base word different rule ... xref leXpunK Army

Here, the combination of LEX and DAO, considered in the context of the identified services and the attached evidence, conveys to a consumer with knowledge of applicant's services that applicant's services relate to the "law" and are provided by a "form of legal structure that has no central governing body and whose members share a common goal to act in the best interest of the entity." Thus, based on this evidence, the terms LEX and DAO merely describe a feature of applicant's services.

# Argue that it is suggestive not desciptive (legal engineering times DAO = LexDAO

Generally, if the individual components of a mark retain their descriptive meaning in relation to the services, the combination results in a composite mark that is itself descriptive and not registrable. *In re* Zuma Array Ltd., 2022 USPQ2d 736, at \*7 (TTAB 2022); In re Fat Boys Water Sports LLC, 118 USPQ2d 1511, 1516 (TTAB 2016); TMEP §1209.03(d); see, e.g., DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd., 695 F.3d 1247, 1255, 103 USPQ2d 1753, 1758 (Fed. Cir. 2012) (holding SNAP SIMPLY SAFER merely descriptive for various medical devices, such as hypodermic, aspiration, and injection needles and syringes); In re Fallon, 2020 USPQ2d 11249, at \*12 (TTAB 2020) (holding THERMAL MATRIX merely descriptive of a heat-responsive, malleable liner that is an integral component of an oral dental appliance). In re Petroglyph Games, Inc., 91 USPQ2d 1332, 1341 (TTAB 2009) (holding BATTLECAM merely descriptive of computer game software with a feature that involve battles and provides the player with the option to utilize various views of the battlefield); In re Cox Enters., 82 USPQ2d 1040, 1043 (TTAB 2007) (holding THEATL merely descriptive of publications featuring news and information about Atlanta where THEATL was the equivalent of the nickname THE ATL for the city of Atlanta); In re Tower Tech, Inc., 64 USPQ2d 1314, 1317-18 (TTAB 2002) (holding SMARTTOWER merely descriptive of highly automated cooling towers); In re Sun Microsystems, Inc., 59 USPQ2d 1084, 1085 (TTAB 2001) (holding AGENTBEANS merely descriptive of computer software for use in developing and deploying application programs on a global computer network).

Only where the combination of descriptive terms creates a unitary mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the services is the combined mark registrable. *See In re Omniome, Inc.*, 2020 USPQ2d 3222, at \*4 (TTAB 2019) (citing *In re Colonial Stores, Inc.*, 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968); *In re Shutts*, 217 USPQ 363, 364-65 (TTAB 1983)); *In re Positec Grp. Ltd.*, 108 USPQ2d 1161, 1162-63 (TTAB 2013).

This part requires some complexity to explain DAOtown and the RaidGuild antecedants

In this case, both the individual components and the composite result are descriptive of applicant's services and do not create a unique, incongruous, or nondescriptive meaning in relation to the services. Specifically, the combination of LEX and DAO does not create a new or non-descriptive meaning. Rather, consumers will understand the composite phrase as describing a feature of applicant's services in that applicant's services appear to relate to the law and appear to be provided by an entity in which all members participate in decision-making and in the best interests of the entity.

USPTO is mistaken as to the subtle distinction between legal engineering and cyberlaw

Therefore, for the foregoing reasons, the mark is merely descriptive of applicant's services, and therefore, registration is refused pursuant to Section 2(e)(1) of the Trademark Act.

# Advisory regarding Amendment to the Supplemental Register to Overcome Refusal

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091(c); 37 C.F.R. §\$2.47, 2.75(a); TMEP §\$801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal. TMEP §816.04.

Although registration on the Supplemental Register does not afford all the benefits of registration on the Principal Register, it does provide the following advantages to the registrant:

- (1) Use of the registration symbol ® with the registered mark in connection with the designated goods and/or services, which provides public notice of the registration and potentially deters third parties from using confusingly similar marks.
- (2) Inclusion of the registered mark in the USPTO's database of registered and pending marks, which will (a) make it easier for third parties to find it in trademark search reports, (b) provide public notice of the registration, and thus (c) potentially deter third parties from using confusingly similar marks.
- (3) Use of the registration by a USPTO trademark examining attorney as a bar to registering confusingly similar marks in applications filed by third parties.
- (4) Use of the registration as a basis to bring suit for trademark infringement in federal court, which, although more costly than state court, means judges with more trademark experience, often faster adjudications, and the opportunity to seek an injunction, actual damages, and attorneys' fees and costs.
- (5) Use of the registration as a filing basis for a trademark application for registration in certain foreign countries, in accordance with international treaties.

See 15 U.S.C. §§1052(d), 1091(c), 1094; J. Thomas McCarthy, McCarthy on Trademarks & Unfair Competition §§19:33, 19:37 (rev. 4th ed. Supp. 2017).

# Response Options to Refusals

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration. However, if applicant responds to the refusal, applicant must also respond to the requirements set forth below.

# **Requirement for Information regarding Applicant's Services**

Due to the descriptive nature of the applied-for mark, applicant must provide the following information and documentation regarding the services and wording appearing in the mark:

- (1) Fact sheets, instruction manuals, brochures, advertisements and pertinent screenshots of applicant's website as it relates to the services in the application, including any materials using the terms in the applied-for mark. Merely stating that information about the services is available on applicant's website is insufficient to make the information of record.;

  Need to update the IP Policy Handbook
- (2) If these materials are unavailable, applicant should submit similar documentation for services of the same type, explaining how its own product or services will differ. If the services feature new technology and information regarding competing services is not available, applicant must provide a detailed factual description of the services. For services, the factual information must make clear what the services are and how they are rendered, salient features, and prospective customers and channels of trade. Conclusory statements will not satisfy this requirement.; and

Need to explain the dynamic NFTy (acknowledgement check, confirm)

- (3) Applicant must respond to the following questions: This informatin will be collected during the hackathon
- What is the significance of the term LEX appearing in the mark?
- What is the significance of the term DAO appearing in the mark?
- Is applicant organized as a "decentralized autonomous organization" as that wording is defined above and in the attached evidence from *Investopedia*?
- How does applicant's organization differ from the description of a "decentralized autonomous organization" as that wording is defined above and in the attached evidence from *Investopedia*?
- Do applicant's competitors use either the term LEX and/or DAO to describe their services?
   leXpunK Army is not a compettor, OpenLaw may be a component
- Who are the typical consumers of applicant's services?

See 37 C.F.R. §2.61(b); TMEP §§814, 1402.01(e).

If applicant submits webpage evidence to satisfy this requirement, applicant must provide (1) an image of the webpage, (2) the date it was accessed or printed, and (3) the complete URL address. *In re ADCO Indus.-Techs.*, *L.P.*, 2020 USPQ2d 53786, at \*2 (TTAB 2020) (citing *In re I-Coat Co.*, 126 USPQ2d

1730, 1733 (TTAB 2018)); TMEP §710.01(b). Providing only a website address or hyperlink to the webpage is not sufficient to make the materials of record. In re ADCO Indus.-Techs., L.P., 2020 USPQ2d 53786, at \*2 (citing In re Olin Corp., 124 USPQ2d 1327, 1331 n.15 (TTAB 2017); In re HSB Solomon Assocs., LLC, 102 USPQ2d 1269, 1274 (TTAB 2012); TBMP §1208.03); TMEP §814.

Applicant has a duty to respond directly and completely to this requirement for information. See In re Ocean Tech., Inc., 2019 USPQ2d 450686, at \*2 (TTAB 2019) (citing In re AOP LLC, 107 USPQ2d 1644, 1651 (TTAB 2013)); TMEP §814. Failure to comply with a requirement for information is an independent ground for refusing registration. In re SICPA Holding SA, 2021 USPQ2d 613, at \*6 (TTAB 2021) (citing In re Cheezwhse.com, Inc., 85 USPQ2d 1917, 1919 (TTAB 2008); In re DTI P'ship LLP, 67 USPQ2d 1699, 1701-02 (TTAB 2003); TMEP §814).

# Requirement to Clarify Entity Type



The application identifies applicant as LexDAO, LLC, a "non-profit association." Although this is an acceptable legal entity designation, such a designation must also indicate whether the association is incorporated or unincorporated. See TMEP §803.03. Therefore, applicant must specify the particular type of legal entity applying, e.g., association, and provide the additional information explained below about that entity. See 37 C.F.R. §§2.32(a)(3)(ii)-(v), 2.61(b); TMEP §803.03.

If applicant is an association, applicant must specify the U.S. state under whose laws the applicant is organized or exists, and indicate whether the association is incorporated or unincorporated. 37 C.F.R. §2.32(a)(ii); TMEP §803.03(c).

Furthermore, the designation "LLC" is included in applicant's name; however, the legal entity is set forth as a "non-profit association." Generally, "LLC" identifies a "limited liability company," and not a non-profit association. Therefore, applicant must specify whether the legal entity is a limited liability company or a non-profit association and amend the application accordingly. TMEP §803.03(h); see 37 C.F.R. §§2.32(a)(2), (a)(3)(ii), 2.61(b).

If applicant is a limited liability company, applicant must amend the legal entity and provide the U.S. state under whose laws it is organized. 37 C.F.R. §2.32(a)(3)(ii); TMEP §803.03(h).

As discussed above, if applicant is an association, applicant must specify the U.S. state under whose laws the applicant is organized or exists, and indicate whether the association is incorporated or unincorporated. 37 C.F.R. §2.32(a)(ii); TMEP §803.03(c).

If, in response to the above request, applicant provides information indicating that it is not the owner of the mark, registration will be refused because the application was void as filed. See 37 C.F.R. §2.71(d); TMEP §§803.06, 1201.02(b). An application must be filed by the party who owns or is entitled to use the mark as of the application filing date. See 37 C.F.R. §2.71(d); TMEP §1201.02(b).

# **Requirement to Clarify Domicile Address**

**Domicile address cannot be accepted.** Applicant must provide its current domicile street address because the domicile address of record is for a U.S. third-party commercial mail receiving agency (a private business that accepts mail from the U.S. Postal Service on behalf of third parties), as identified by the U.S. Postal Service Coding Accuracy Support System (CASS), which is not an acceptable type of domicile address for a juristic applicant. TMEP §601.01(c)(i). That is, this address does not identify

applicant's principal place of business. *See* 37 C.F.R. §§2.2(o)-(p), 2.11(b), 2.189; TMEP §601.01(c)(i). All applications must include an applicant's domicile address. *See* 37 C.F.R. §§2.32(a)(2), 2.189; TMEP §803.05(a).

# **Response option(s)**

**Applicant must provide an acceptable domicile street address**; that is, the location of applicant's headquarters where its senior executives or officers ordinarily direct and control applicant's activities. *See* 37 C.F.R. §§2.2(o)-(p), 2.32(a)(2), 2.189; TMEP §803.05(a).

If applicant cannot provide a domicile street address due to an extraordinary situation, applicant may file a petition to the Director to request the Director waive this requirement. See 37 C.F.R. §§2.146(a)(5), 2.148; TMEP §1708.01. The petition must include the required fee as well as (a) a verified statement of facts explaining the extraordinary situation, and (b) the state, or foreign equivalent, and country of applicant's domicile, to determine whether applicant must be represented by a U.S.-licensed attorney. See 37 C.F.R. §§2.11(a)-(b), 2.146(c)(1); TMEP §1708.01. However, filing a petition is not considered a response to an Office action. See 37 C.F.R. §2.146(g); TMEP §1705.06. Applicant must still file a timely response to this Office action to avoid abandonment of the application. The response should indicate that a petition has been filed, specify the reason(s) for filing the petition (i.e., to request a waiver of the domicile address requirement), and request suspension of the application pending disposition of the petition. See TMEP §§716.02, 716.02(1), 1705.06.

# **Instructions for responding**

**To provide applicant's domicile street address.** After opening the correct Trademark Electronic Application System (TEAS) response form and entering the serial number, (1) answer "yes" to question 5 and click "Continue;" (2) on the "Owner Information" page, in the "Domicile Address" fields, uncheck the box stating the domicile and mailing address are not the same; and (3) below the checkbox provide applicant's domicile street address. The address provided in the "Domicile Address" fields will be hidden from public view. However, any street address listed in the "Mailing Address" fields will be publicly viewable.

**Response guidelines.** For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see the Responding to Office Actions webpage for more information and tips on responding.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusals and/or requirements in this Office action. *See* TMEP §§705.02, 709.06.

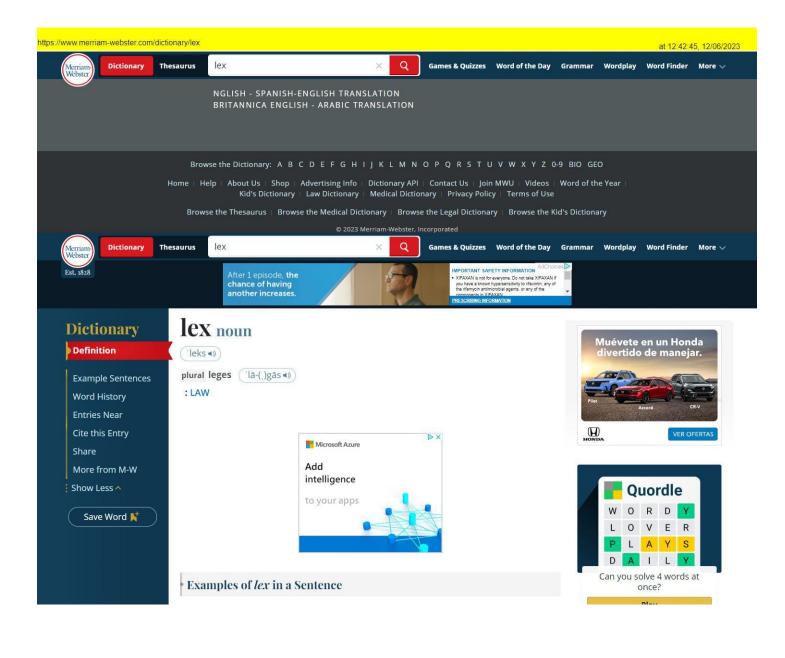
The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

**How to respond.** File a <u>response form to this nonfinal Office action</u> or file a <u>request form for an extension of time to file a response</u>.

/Byron Greene/
Byron Greene
Examining Attorney
LO107--LAW OFFICE 107
(571) 270-0960
Byron.Greene@uspto.gov

# RESPONSE GUIDANCE

- Missing the deadline for responding to this letter will cause the application to <u>abandon</u>. A response or extension request must be received by the USPTO before 11:59 p.m. Eastern Time of the last day of the response deadline. Trademark Electronic Application System (TEAS) <u>system availability</u> could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email <u>TEAS@uspto.gov</u>.
- Responses signed by an unauthorized party are not accepted and can cause the application to abandon. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant. If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find** contact information for the supervisor of the office or unit listed in the signature block.







# Examples of lex in a Sentence

# Recent Examples on the Web

An old legal maxim comes to mind: De minimis non curat  ${\it lex}$  — the law doesn't care about trifles.

- New York Times, 14 Jan. 2020

And, lex credendi, *lex* orandi, Catholic liturgical practices demonstrate the Church's belief in the reality of Christ's Eucharistic immanence.

- John Hirschauer, National Review, 10 June 2019

These examples are programmatically compiled from various online sources to illustrate current usage of the word 'lex.' Any opinions expressed in the examples do not represent those of Merriam-Webster or its editors. Send us feedback about these examples.





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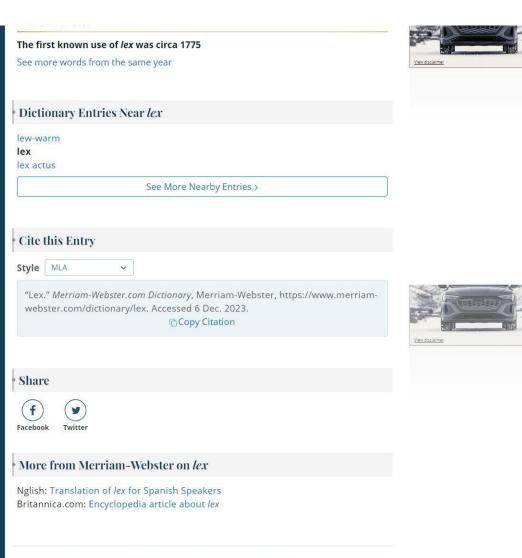
Latin leg-, lex

## First Known Use

circa 1775, in the meaning defined above

## **Time Traveler**





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### lex (lěks)

n. pl. le·ges (lē'jēz')

[Latin lex, leg-; see leg- in the Appendix of Indo-European roots.]

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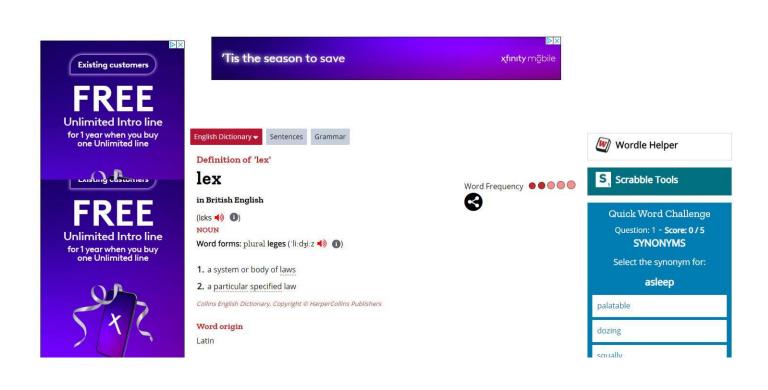
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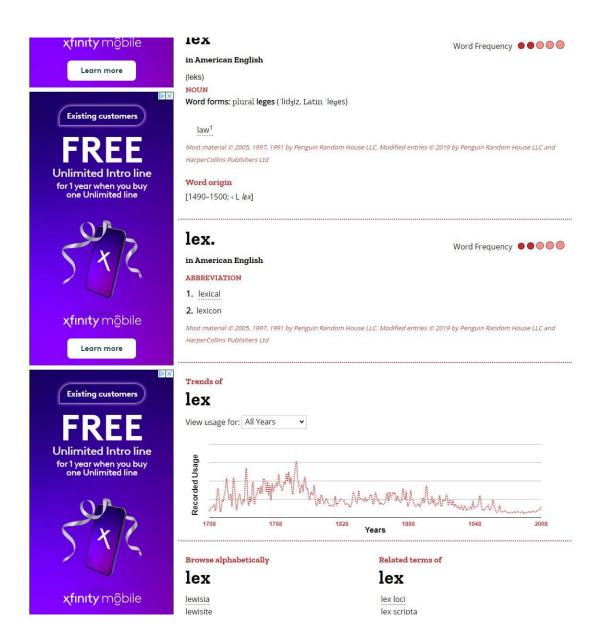
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Word Frequency

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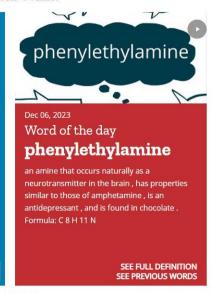
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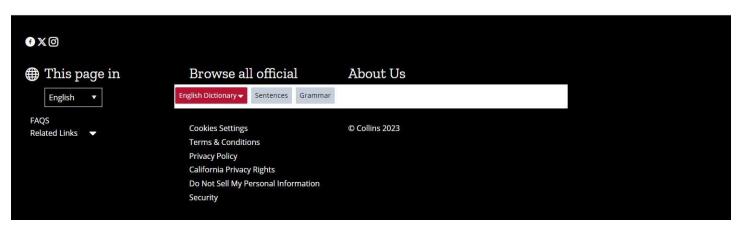


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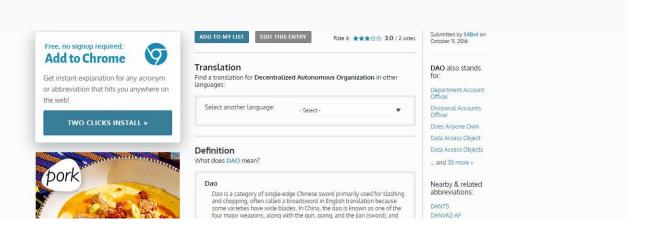


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referred to as "The General of All Weapons". Dao is actually a generic word used to denote any member of a family of single-edged, broad-bladed cutting or slicing tools, but in common, everyday usage means knife. The weapon, also known as dan dao when just one is used, is thereby thought to be an adaptation of the kitchen knives common to Chinese cuisine. Dao also appears in the names of such polearms as the pudao and guan dao, due to the knife-like shape of their blades.

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# Decentralized Autonomous Organization (DAO): Definition, Purpose, and Example

By NATHAN REIFF Updated September 30, 2023 Reviewed by ERIKA RASURE

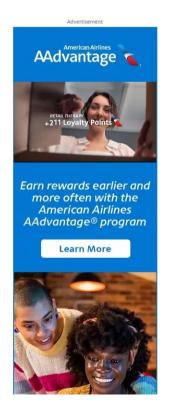
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# What Is a Decentralized Autonomous Organization (DAO)?

A decentralized autonomous organization (DAO) is an emerging form of legal structure that has no central governing body and whose members share a



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Benefits Limitations Example DAO FAQs common goal to act in the best interest of the entity. Popularized through cryptocurrency enthusiasts and blockchain technology, DAOs are used to make decisions in a bottom-up management approach.

### KEY TAKEAWAYS

- A decentralized autonomous organization is an entity structure in which tokenholders participate in the management and decisionmaking of an entity.
- There is no central authority of a DAO; instead, power is distributed across tokenholders who collectively cast votes.
- All votes and activity through the DAO are posted on a blockchain, making all actions of users publicly viewable.
- One of the first DAOs named The DAO was an organization created by developers to automate decisions and facilitate cryptocurrency transactions.
- A DAO must ensure security is prioritized, as exploits can leave a DAO drained of millions of dollars of its treasury savings.

# What Is the Purpose of Decentralized Autonomous Organizations (DAOs)?

One of the major features of digital currencies is that they are <u>decentralized</u>. This means they are not controlled by a single institution like a government or central bank, but instead are divided among a variety of computers, networks, and nodes. In many cases, virtual currencies make use of this decentralized status to attain levels of privacy and security that are typically unavailable to standard currencies and their transactions.

Inspired by the decentralization of cryptocurrencies, a group of developers came up with the idea for a decentralized autonomous organization, or DAO, in 2016. [1] The concept of a DAO is to promote oversight and management of an entity similar to a corporation. However, the key to a DAO is the lack of central authority; the collective group of leaders and participants act as the governing body.

## How DAOs Work

DAOs rely heavily on smart contracts. These logically coded agreements dictate decision-making based on underlying activity on a blockchain. For example, based on the outcome of a decision, certain code may be implemented to increase the circulating supply, burn of a select amount of reserve tokens, or issue select rewards to existing tokenholders.





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The voting process for DAOs is posted on a blockchain. Users must often select between mutually-exclusive options. Voting power is often distributed across users based on the number of tokens they hold. For example, one user that owns 100 tokens of the DAO will have twice the weight of voting power over a user that owns 50 tokens.

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The theory behind this practice is users who are more monetarily invested in the DAO are incentivized to act in good faith. Imagine a user who owns 25% overall voting power. This user can participate in bad acts; however, by doing so, the user will jeopardize the value of their 25% holding.

DAOs often have treasuries that house tokens that can be issued in exchange for fiat. Members of the DAO can vote on how to use those funds; for example, some DAOs with the intention of acquiring rare NFTs can vote on whether to relinquish treasury funds in exchange for assets.

F Important: In 2021, ConstitutionDAO was formed in an attempt to buy a copy of the U.S. Constitution. Though the DAO failed at acquiring the asset, the DAO proved a collection of like-minded individuals could form and pursue such endeavors. [2]

## Benefits of DAOs

There are several reasons why an entity or collective group of individuals may want to pursue a DAO structure. Some of the benefits of this form of management include:

• Decentralization. Decisions impacting the organization are made by a collection of individuals as opposed to a central authority that is often



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individual (CEO) or a small collection of individuals (<u>Board of Directors</u>), a DAO can decentralize authority across a vastly larger range of users.

• Participation. Individuals within an entity may feel more empowered and connected to the entity when they have a direct say and voting power on a

Participation. Individuals within an entity may feel more empowered and
connected to the entity when they have a direct say and voting power on all
matters. These individuals may not have strong voting power, but a DAO
encourages token holders to cast votes, burn tokens, or use their tokens in
ways they think is best for the entity.

vastly outnumbered by their peers. Instead of relying on the actions of one

- Publicity. Within a DAO, votes are cast via blockchain and made publicly viewable. This requires users to act in ways they feel is best, as their vote and their decisions will be made publicly viewable. This incentivizes actions that will benefit voters' reputations and discourage acts against the community.
- Community. The concept of a DAO encourages people from all over the world to seamlessly come together to build a single vision. With just an internet connection, tokenholders can interact with other owners wherever they may live.

## Limitations of DAOs

Not everything is perfect regarding DAOS, though. There are severe consequences to improperly setting up or maintaining a DAO. Here are some limitations to the DAO structure.

- Speed. If a public company is guided by a CEO, a single vote may be needed
  to decide a specific action or course for the company to take. With a DAO,
  every user is given an opportunity to vote. This requires a much longer
  voting period, especially considering time zones and priorities outside of
  the DAO.
- Education. Similar to the issue of speed, a DAO has the responsibility of
  educating a lot more people in regards to pending entity activity. A single
  CEO is much easier to keep in charge of company developments, while
  tokenholders of a DAO may have ranging educational backgrounds,
  understanding of initiatives, incentives, or accessibility to resources. A
  common challenge of DAOs is that while they bring a diverse set of people
  together, that diverse set of people must learn how to grow, strategize, and
  communicate as a single unit.
- Inefficiency. Partially summarizing the first two bullets, DAOs run a major
  risk of being inefficient. Because of the time needed to educate voters,
  communicate initiatives, explain strategies, and onboard new members, it is
  easy for a DAO to spend much more time discussing change than
  implementing it. A DAO may get bogged down in trivial, administrative tasks
  due to the nature of needing to coordinate much more individuals.
- Security. An issue facing all digital platforms for blockchain resources is



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security. A DAO requires significant technical expertise to implement; without it, there may be invalidity to how votes are cast or decisions are made. Trust may be broken and users leave the entity if they can't rely on the structure of the entity. Even through the use of multi-sig or cold wallets, DAOs can be exploited, treasury reserves stolen, and vaults emptied.

## **DAOs**

### Pros

- A variety of individuals can collectively come together from around the work to act as a single entity.
- More individuals have a voice in the planning, strategy, and operations of the entity.
- As votes on the blockchain are publicly-viewable, tokenholders are naturally incentivized to act more responsibly.
- Members of a DAO may feel empowered to collaborate with like-minded individuals with similar goals within a single community.

### Cons

- It often takes longer for decisions to be made as there are more voting participants.
- There is often more burden to educate users as the collective voting population are diverse with varying ranges of education and knowledge.
- More time is needed to cast votes or gather users due to the decentralized nature of the entity.
- Severe exploits such as theft of treasury reserves are possible if the DAO's security is not properly established and maintained.

# DAO Example: The DAO

The DAO was an organization that was designed to be automated and decentralized. It acted as a form of <u>venture capital</u> fund, based on open-source code and without a typical management structure or board of directors. To be fully decentralized, the DAO was unaffiliated with any particular nation-state, though it made use of the ethereum network.

The DAO launched in late April 2016 thanks to a month-long crowd sale of tokens that raised more than \$150 million in funds. [3] At the time, the launch was the largest crowdfunding campaign of all time.

# Why Did The DAO Get Disbanded?

By May 2016, the DAO held a massive percentage of all ether tokens that had been issued up to that point (up to 14%, according to reporting by *The Economist*). <sup>[4]</sup> At roughly the same time, however, a paper was published which addressed several potential security vulnerabilities, cautioning investors from voting on future investment projects until those issues had been resolved.

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Later, in June 2016, hackers attacked the DAO based on these vulnerabilities. The hackers gained access to 3.6 million ETH, worth about \$50 million at the time. <sup>[5]</sup> This prompted a massive and contentious argument among DAO investors, with some individuals suggesting various ways of addressing the hack and others calling for the DAO to be permanently disbanded. This incident also figured prominently in the hard <u>forking</u> of ethereum that took place shortly thereafter.

### What Are Some Criticisms of The DAO?

According to IEEE Spectrum, the DAO was vulnerable to programming errors and attack vectors. <sup>[6]</sup> The fact that the organization was charting new territory in terms of regulation and corporate law likely did not make the process any easier. The ramifications of the structure of the organization were potentially numerous: investors were concerned that they would be held liable for actions taken by the DAO as a broader organization.

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Important: In July 2017, the Securities and Exchange Commission (SEC) issued a report, which determined that The DAO sold securities in the form of tokens on the Ethereum blockchain, violating portions of US securities law.<sup>[7]</sup>

The DAO operated in murky territory about whether or not it was selling securities, as well. Further, there were long-standing issues regarding the way that the DAO would function in the real world. Investors and contractors alike needed to convert ETH into fiat currencies, and this could have impacted the value of ether.

Following the contentious argument over the DAO's future and the massive hacking incident earlier in the summer, by the fall of 2016, several prominent digital currency exchanges, such as Kraken, de-listed the DAO token, marking the effective end for the DAO as it was initially envisioned. [8]

## What Is a DAO?

A DAO is a decentralized autonomous organization, a type of bottom-up entity structure with no central authority. Members of a DAO own tokens of the DAO, and members can vote on initiatives for the entity. Smart contracts are implemented for the DAO, and the code governing the DAO's operations is publicly disclosed.

# What Is the Purpose of a DAO?

A DAO is intended to improve the traditional management structure of many

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companies. Instead of relying on a single individual or small collection of individuals to guide the direction of the entity, a DAO intends to give every member a voice, vote, and opportunity to propose initiatives. A DAO also strives to have strict governance that is dictated by code on a blockchain.

## How Does a DAO Make Money?

A DAO initially raises capital by trading fiat for its native token. This native token represents voting power and ownership proportion across members. If a DAO is successful, the value of the native token will increase.

The DAO can then issue future tokens at a greater value to raise more capital. A DAO can also invest in assets if the members decide to approve such measures. For an example, a DAO can acquire companies, NFTs, or other tokens. Should those assets appreciate in value, the value of the DAO increases.

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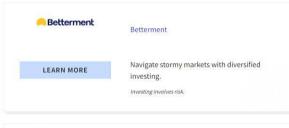
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