Node.js Project Trademark Policy Introduction

This document outlines Joyent's policy and guidelines for the trademarks and graphic logos we use to identify the Node.js® software and other software developed and distributed by the Node.js project. Joyent owns all trademarks, service marks, and graphic logos related to the Node.js software.

Rationale

The Node.js trademarks, service marks, and graphics marks are symbols of the quality, performance, and ease of use that people have come to associate with the Node.js software and project. To ensure that the Node.js marks continue to symbolize these qualities, we must ensure that the marks are only used in ways that do not mislead people or cause them to confuse Node.js with other software of lower quality. If we don't ensure the marks are used in this way, it cannot only confuse users, it can make it impossible to use the mark to protect against people who maliciously exploit the mark in the future. The primary goal of this policy is to make sure that this doesn't happen to the Node.js mark, so that the community and users of Node.js are always protected in the future.

At the same time, we'd like community members to feel comfortable spreading the word about Node.js and participating in the Node.js community. Keeping that goal in mind, we've tried to make the policy as flexible and easy to understand as legally possible.

Contacting Us

These guidelines will often be the start of a dialog, not the end. Something below may be simply unclear, you may feel you're right on the edge between permissible and impermissible, or you may even think your idea clearly violates the policy - but you think it would be a great idea anyway. If you are in that sort of situation, or have any other questions about anything below, please contact us- we'd be happy to discuss, clarify where possible, and arrange a license if need be.

Please contact us at

trademark@joyent.com

We will reply to all inquiries within 48 hours if not sooner.

Basic Trademark Principles

The following basic trademark principles are no way intended to summarize the complex and expansive law of trademarks. Instead, these principles may be useful in understanding some broad trademark concepts within this Node.js Trademark Policy.

What is a trademark?

A trademark is a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that indicates the source of the goods of one party from those of others.

A service mark is similar to a trademark, except that it identifies and distinguishes the source of a service rather than a product.

The term "trademark" is generally used to refer to both trademarks and service marks within this policy document.

What is "nominative fair use"?

Generally, anyone can use another's trademark if the use of the trademark is nominative. Nominative fair use (also commonly referred to as "fair use") is use that refers to a trademark in a factual manner, using only so much of the trademark as is necessary to identify that product or service, and in using the trademark, the user must not imply sponsorship or endorsement by the actual trademark holder.

The following are a few examples of permitted nominative fair use of the Node.js Trademarks:

- "I recommend (or don't recommend) Node.js for your business."
- "This <here> is the graphic logo for Node.js software."
- "This conference will be about my experiences with Node.js."
- Mere reference to Node.js in a blog, article, paper, etc.

What is the likelihood of confusion test?

While some uses of another's trademark can be considered nominative use, some other uses of another's trademark can be infringing. One example of this is the likelihood of confusion test, which can be generally described as follows: When a trademark is used in such a way that the relevant consuming public is likely to be confused or mistaken as to the source of the product or service, then likelihood of confusion exists, and continued use of the trademark infringes on the current owner's trademark rights. An example would be if a company claims they are the sole authorized source of Node.js software.
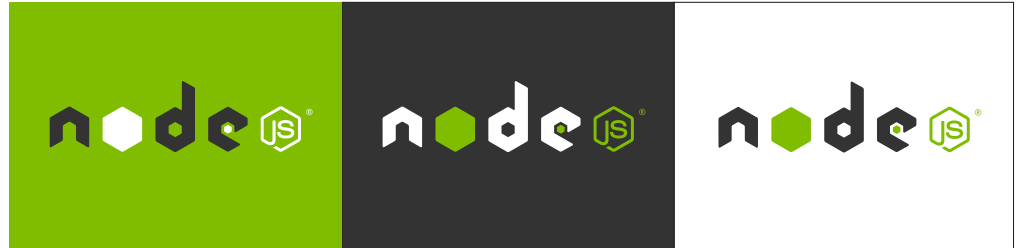
Even if the likelihood of confusion test is not met, use may still be infringing another's trademark if the use blurs or tarnishes the mark under state and/or federal dilution laws. An example of this would be if a party called their code "TrueNode.js."

Please contact us at

trademark@joyent.com

Specific Guidelines

The following guidelines apply to the "Node.js" word trademark, the "node[hex]js" graphic trademark, and the "js[hex]" trademark (the "Trademarks") all of which are owned by Joyent, Inc.

General guidelines:

The following guidelines always apply to any use of the Trademarks, whether licensed or unlicensed. To see if you need a license, see below under "License agreement required."

- Joyent, the Node.js project, and our software must be clearly distinguishable from any software that competes with the Node.js software, and from software or services by any company or individual that is not owned by Joyent.

- The Node.js marks must not be used to disparage Joyent, or the Node.js software or project, nor be used in any way to imply ownership, endorsement, or sponsorship of any Node.js-related project or initiative of any kind.

- The Node.js and the Node.js[hex] logos may not be altered in any manner including color.

- Nothing in this policy shall be interpreted to allow any third party to claim any association with Joyent or the Node.js project, or to imply any approval or support by Joyent or the Node.js project for any third party products or services.

- Nothing in this policy shall be interpreted to allow any use of marks owned by Joyent (such as Joyent, SmartDataCenter, or otherwise) other than those associated directly with the Node.js project. To use other trademarks owned by Joyent, contact Joyent directly.

License agreement required:

To use the Node.js Trademarks, you must contact Joyent and obtain a written license agreement which will guide you through proper use of the marks in your situation. A license will not be required if your usage falls into one of the exceptions described below.

Any sort of use in commerce (other than community events and merchandise such as T-shirts related to such events as set forth in this policy), such as promoting a Platform-as-a-Service or professional services offering by using the Node.js mark, does require a written license agreement.

Please contact us at

trademark@joyent.com

If your usage does not fall into one of the exceptions described below, don't give up! Instead, contact us- we'd like to work with you to understand what you're doing and try to create a licensing arrangement that protects the Node.js mark while still allowing you to use it.

Exceptions:

Use in the following ways does not require a written license agreement:

Nominative Use or Non-Trademark Use

Nominative uses are uses that refer to a mark in a factual manner, using only so much of the mark as is necessary and doing nothing to imply sponsorship or endorsement by the trademark holder. Nominative uses may not require a license under trademark law. If you have questions about any of these uses, and whether they constitute a trademark use that requires a license, please contact us.

Some examples of permitted nominative fair use:

- "I recommend (or don't recommend) Node.js for your business."
- "This <here> is the graphic logo for Node.js software."
- "This conference talk will be about my experiences with Node.js."

Examples of things which are not nominative fair use and not permitted without a license:

- Use of a trademark in a domain name (e.g., nodejsconsultingservices.com)
- Confusingly similar software product names.
- Software service offerings that are for anything other than official software, as distributed from nodejs.org.
- Company names that may be associated in customer's minds with Joyent or the trademarked Node.js software (e.g., Node.js Consulting, Inc.)

Community-developed Node.js modules:

The Node.js Trademarks may be used in connection with modules for the Node.js software, but only if:

1) the module is released free of charge and under an Open Source Initiative- approved license;

2) the Trademarks are used in accordance with the requirements detailed in "Forms of use" below; and

3) the module source is easily discoverable such as on github.

Please contact us at

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We realize that these requirements (such as "free of charge") may be ambiguous in some contexts. If in doubt, don't give up. Instead, please contact us- we'd be happy to talk through the specifics of your situation, and issue guidance (and/or a license) as necessary. At the same time, if you find something unclear and think you're close to the line, don't just go ahead and use the mark- we reserve the right to review and object to any usage, even after you've started using the mark, so it is best to get in touch with us first.

Other related, community-developed open source projects:

The Node.js Trademarks may be used in connection with related open source projects but only if:

1) the project is released free of charge and under an Open Source Initiative- approved license;

2) the Trademarks are used in accordance with the requirements detailed in "Forms of use" below; and

3) the usage of the mark makes clear that your project is a development effort related to Node.js, but is not Node.js itself. This can be best accomplished by a combination of careful naming (i.e., using "foo for Node.js" instead of "nodejsfoo") and use of the disclaimers described below under "Forms of use."

As discussed above, please contact us if you have any questions.

Events:

You may use the Node.js Trademarks as part of a name for non-commercial events such as meetups, if it is used in accordance with the requirements detailed in "Forms of use" below, including prominent display of the disclaimer notice on the event's website and other marketing materials.

We reserve the right to review and object to any usage, so you may wish to seek a formal license before announcing your event.

Merchandise:

You may use the Node.js Trademarks for T-shirts and other merchandise in conjunction with and distributed at non-commercial events such as meetups, as long as such usage does not confuse consumers, disparage Joyent or the Node.js project, or in some other way detract from the value of the Node.js software, Joyent, or Joyent's other brands. For example, it is permissible to make and sell T-shirts or stickers with the Node.js that refer to the conference name, date and location, but if you are in the business of making more "brand" stickers like making Node.js [hex] stickers, you will need to request a license from Joyent.

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Forms of use:

If you have permission to use the Trademarks as a result of preceding sections of this policy, you should use the mark accurately and properly, including use of the ™ or ® symbol (as appropriate) When using the words Node.js or Node, take care to avoid using it in any way that may be interpreted to be a logo, such as with a highly stylized typeface.

In order to help clarify that you are the source of the module (and so that we don't get support requests for your code, or vice versa) you should add the following disclaimer, or one with similar legal effect, in an appropriate location:

"Node.js is a registered trademark of Joyent, Inc. in the United states and other countries. This [module, event, etc.] is not formally related to or endorsed by the official Joyent Node.js project."

Appropriate locations could include your website, a README file (if you have one), or source code headers.

Using the JS [Hex] Logo

Permissible (DO) :

Change the Background
The JS Hex can be used on a variety of backgrounds. Ensure high contrast of the mark.
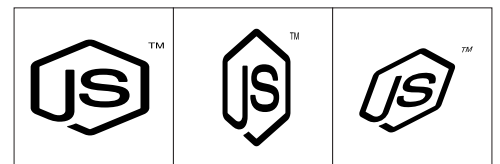

Change the Color
Unlike the Node.js logo, the JS Hex is not limited to a particular palette. The JS Hex can adapt to your application. Make sure a single color is chosen for every element of the mark : hexagon, js, and trademark.

Impermissible (DON'T) :

Modify the js or hex shape
Do not alter the typography or shape of the

Modify the aspect ratio
Do not alter the typography or shape of the

Mix colors
All elements should be a single color.

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Permissible (DO) :

Put the ™ symbol in the correct place
Use the provided EPS files to ensure the relationship between the hex mark and the trademark is correct.

Impermissible (DON'T) :

Incorrect Attribution
Do not move the ™ symbol.

In order to maintain the quality of the JS[hex] logo, we are providing a set of guidelines for its use while still allowing for the community to personalize it in a way that will not degrade the power of the brand.

When does use of the Node.js Trademarks require a license agreement?

Any sort of a sales offering of Node.js as a product or service for a fee or charge, such as promoting a Platform-as-a-Service, professional services, or publications such as user guides using the Node.js Trademarks, requires a written license agreement. If your use of the Node.js Trademarks falls into this category, please contact Joyent to obtain a written license agreement. If you are sponsoring a conference, meetup or trade show, as long as you follow the guidelines, no license is required.

When is use of the Node.js Trademarks Impermissible?

Use of the Node.js Trademarks in Domain Names

You may not use the Node.js Trademarks in your own domain names because that use would likely confuse the relevant consuming public as to the source of products or services provided through your domain with those provided by Node.js or Joyent.

What if you have no idea what kind of use your use is or if it does not fall into any of the sections above?

If you are unsure or if your use does not fall into one of the above sections, do not give up! Instead, contact us – we would like to work with you to understand what you are doing and try to create a licensing arrangement that protects the integrity of the Node.js Trademarks while still allowing continued appropriate use.

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trademark@joyent.com

Policy modifications and exceptions:

Joyent reserves the right to modify this policy at any time, or to revoke any and all permissions or consents in the policy. If Joyent notifies you that your use of any trademark is detrimental to any Joyent trademarks or is otherwise unacceptable, you must immediately cease using the marks, and may not use the marks, even if their use would otherwise be acceptable under this policy.

Final Important Note

Nothing in this policy shall be interpreted to allow any third party to claim any association with Joyent, Inc. or the Node.js project, or imply any approval or support by Joyent, Inc. or the Node.js project for any third party products or services.

Nothing in this policy shall be interpreted to allow any use of any marks owned by Joyent (such as Joyent, SmartDataCenter, or otherwise) other than those associated directly with the Node.js project. Joyent® and Joyent's logo are registered trademarks of Joyent, Inc. To use other trademarks owned by Joyent, please contact Joyent directly.

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