

## Grid

1440px

12 column grid

100px column width

20px gutter width

## Font Used:

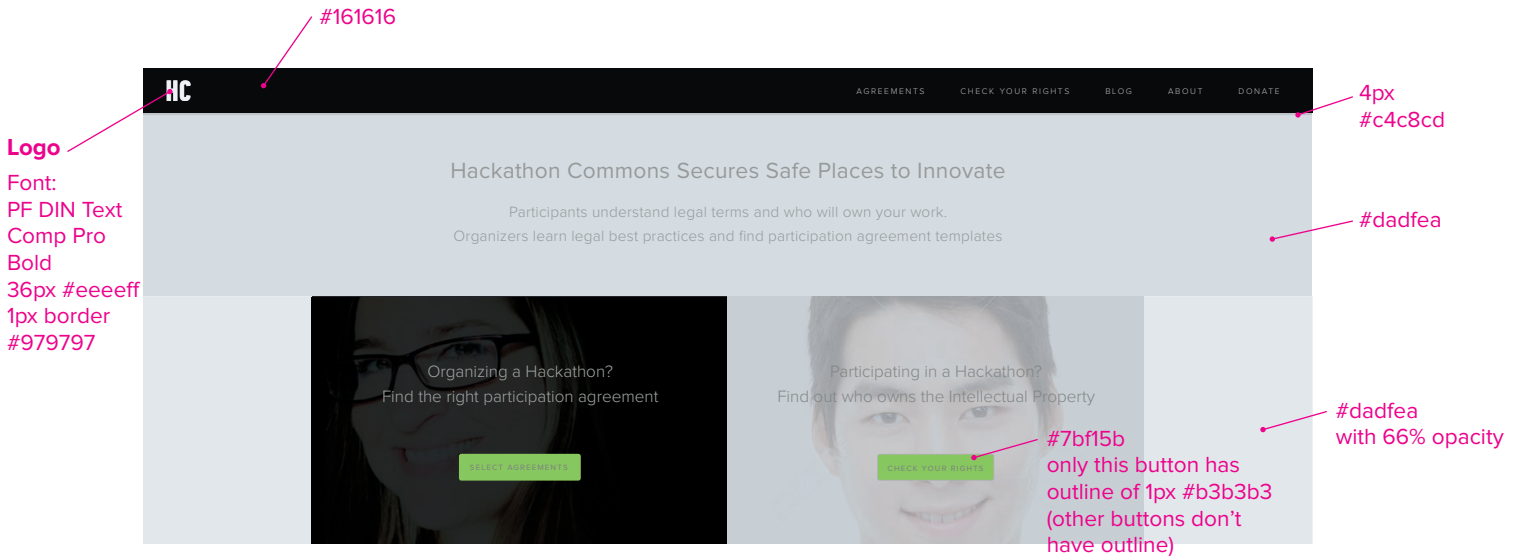
Proxima Nova

Bold

Semibold

Regular

Light



## Hackathon Commons Agreement Types



## Think you don't need to agree on terms at hackathons? Think twice.

While most legal aspects of a hackathon are assumed by organizers and participants, you can run into trouble without any participation agreements.

### What if a participant has an employment agreement?

You might think everything is understood to be open source without an agreement, but a participant might have signed an employment contract that says their employer owns anything they create. In which case, they do.

### What if a participant uses something they don't have any right to?

Unless outlined in an agreement, participants might not stick to purely open source software and should know if they will have to take the blame for using something illegally, rather than the host.

### What if multiple teams come up with the same idea?

Things get messy when there are multiple groups coming up with similar solutions. Participants should know whether or not they have any ownership rights to products that are similar to theirs.

### What if a participant includes copyleft software?

Copyleft software may be freely distributed and modified, but must remain so down the line. If copyleft software has been included, then no one can sell the portion of the software with the copyleft license, no matter what!

### What if I win a hackathon and get paid for it — does that make me an employee?

Unless outlined in an agreement, there might be ambiguity as to whether or not a hackathon winner becomes an employee of the host, which results in a whole new set of liabilities.

### What if the prize money isn't enough?

In situations where a host wants ownership of a winning idea, the participants might ask for further compensation beyond just prize money.

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Without participation agreements, the legal rights of participants and the responsibilities of organizers remain a legal grey area.

Click to learn more about the most common agreement types, select templates, and download icons that clarify terms for participants.

Types of Ownership

Participation agreements vary in the degree to which they allow openness to share, modify, and commercialize work that is developed in a hackathon. With openness comes different degrees of ownership, from host-owned to open source.

HACKATHON AGREEMENT TYPES AND TEMPLATES

Open Source

No one owns it! No one can make money off of it.

A common approach to hackathons is to create open source software. There are various types of open source software, but the underlying principle is that the software will be open to use, modification, and copying by anyone at no cost. This model keeps proprietary issues at bay because neither the host, nor the participant, (nor anyone else) can sell the software. This obviously has pros and cons outside of legal considerations, such as making a valuable product available to the public for free.

If the intent of a hackathon is to create open source software, then that intention should be contractually specified and memorialized. A clear contract guarantees that a participant cannot argue that they maintained a proprietary interest in the software and try to sell it on their own (or worse, sue the hackathon host for using their proprietary software).

I/O has used this type of agreement for their hackathon.

ACCESS THE AGREEMENT TEMPLATE:

DOCRACY

BOULDER

GITHUB

ICON DOWNLOAD:

Download the Open Source icon for your event website to display when using this agreement. Icon will download as JPG, PNG, and SVG.

## Negotiated Ownership

Depending on how things turn out, the host/sponsor will decide if they want to own any of it. If that's the plan, they have 3 binding agreements they can choose from

An agreement does not have to be legally binding, but could simply be a way of formally telling the participants that the hackathon host is potentially interested in marketing their creation. However, there are three special types of binding agreements involving a potential sale or negotiation that a host might want to consider

Condé Nast International Hackathon has used this type of agreement for their hackathon.

### Right of First Option

Host gets to decide if they want to buy it or not before anyone else has the option.

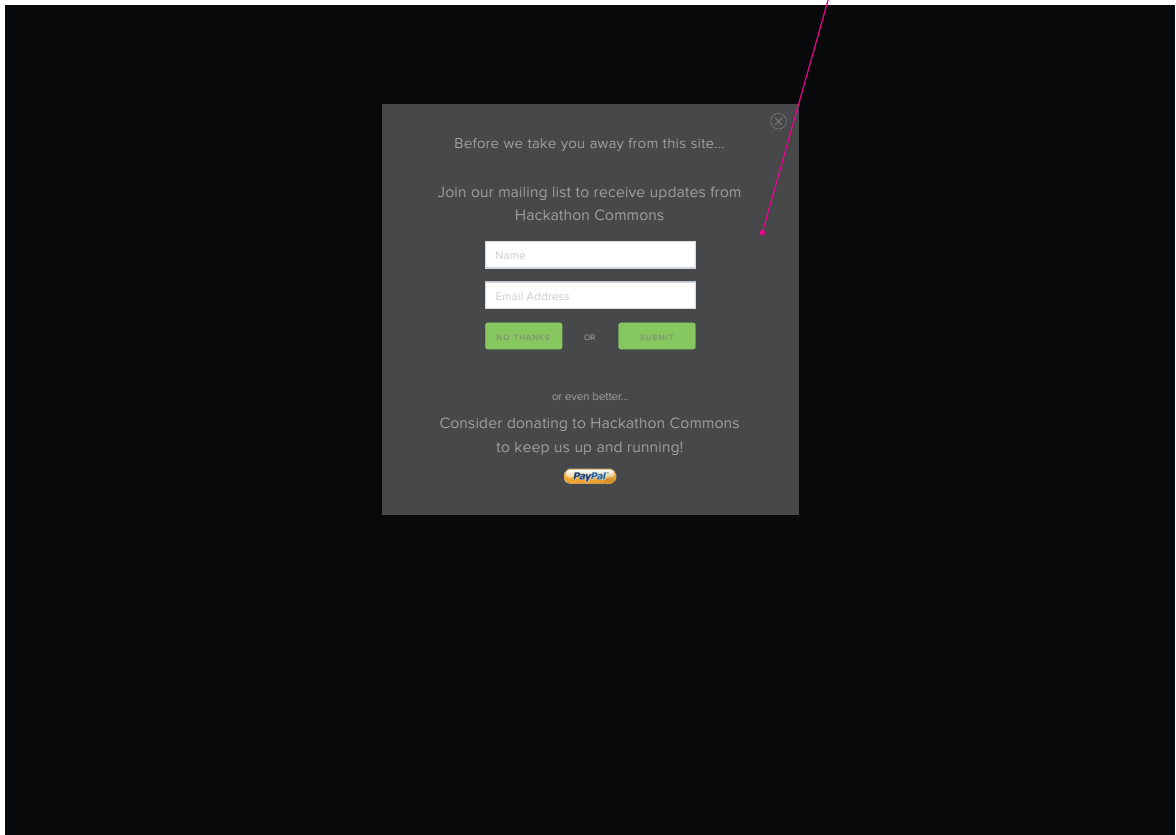
This agreement gives the host the first opportunity to purchase the participant's work product. For example, having two weeks to decide whether to buy the work product or not, after which point there would be a right to negotiate with the participant for a product license (as opposed to owning the software flat out).

ACCESS THE AGREEMENT TEMPLATE:

ICON DOWNLOAD:

### Right of First Negotiation

#4a4a4a



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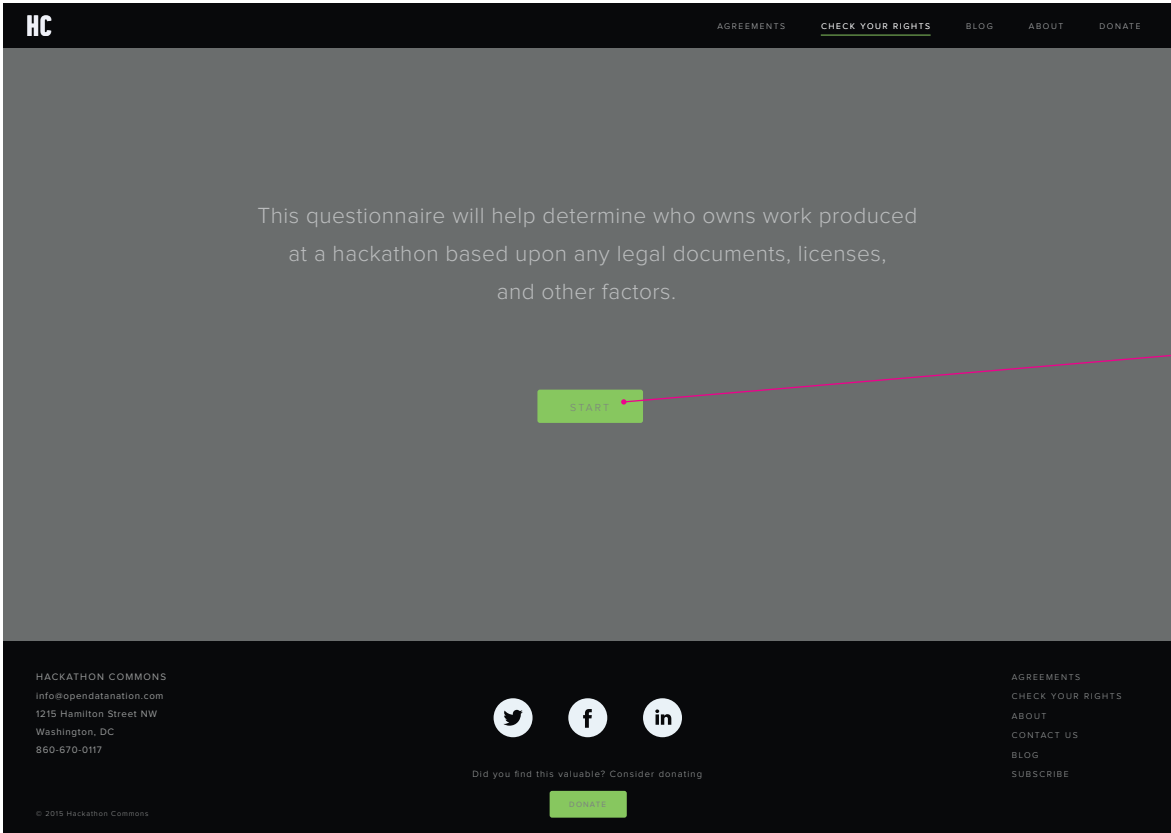
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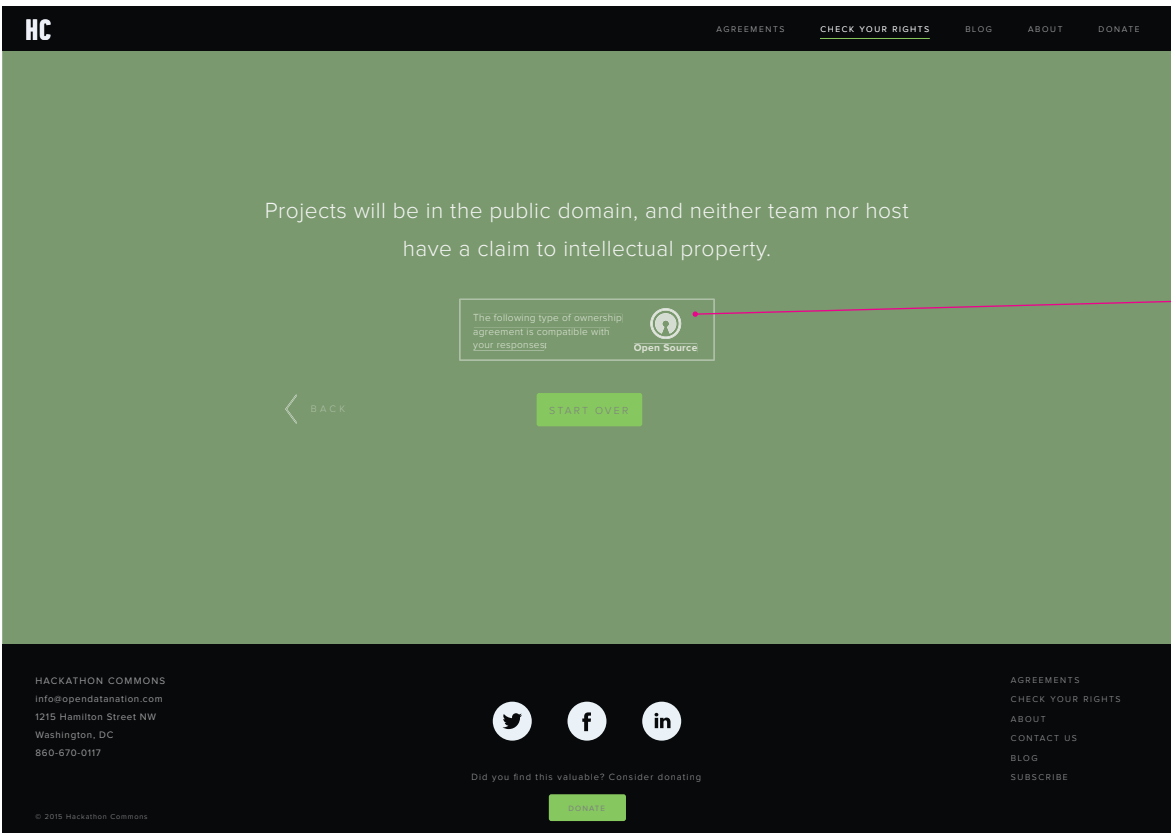
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Box appears with icon when applicable

