

# Figuring out trademark policy on the fly








A story from the PostgreSQL® project

Peter Eisentraut

[peter@eisentraut.org](mailto:peter@eisentraut.org)  
[@petereisentraut@mastodon.social](https://mastodon.social/@petereisentraut)

<https://www.enterprisedb.com/>  
<https://www.postgresql.org/>  
<https://www.postgres.ca/>

# About me

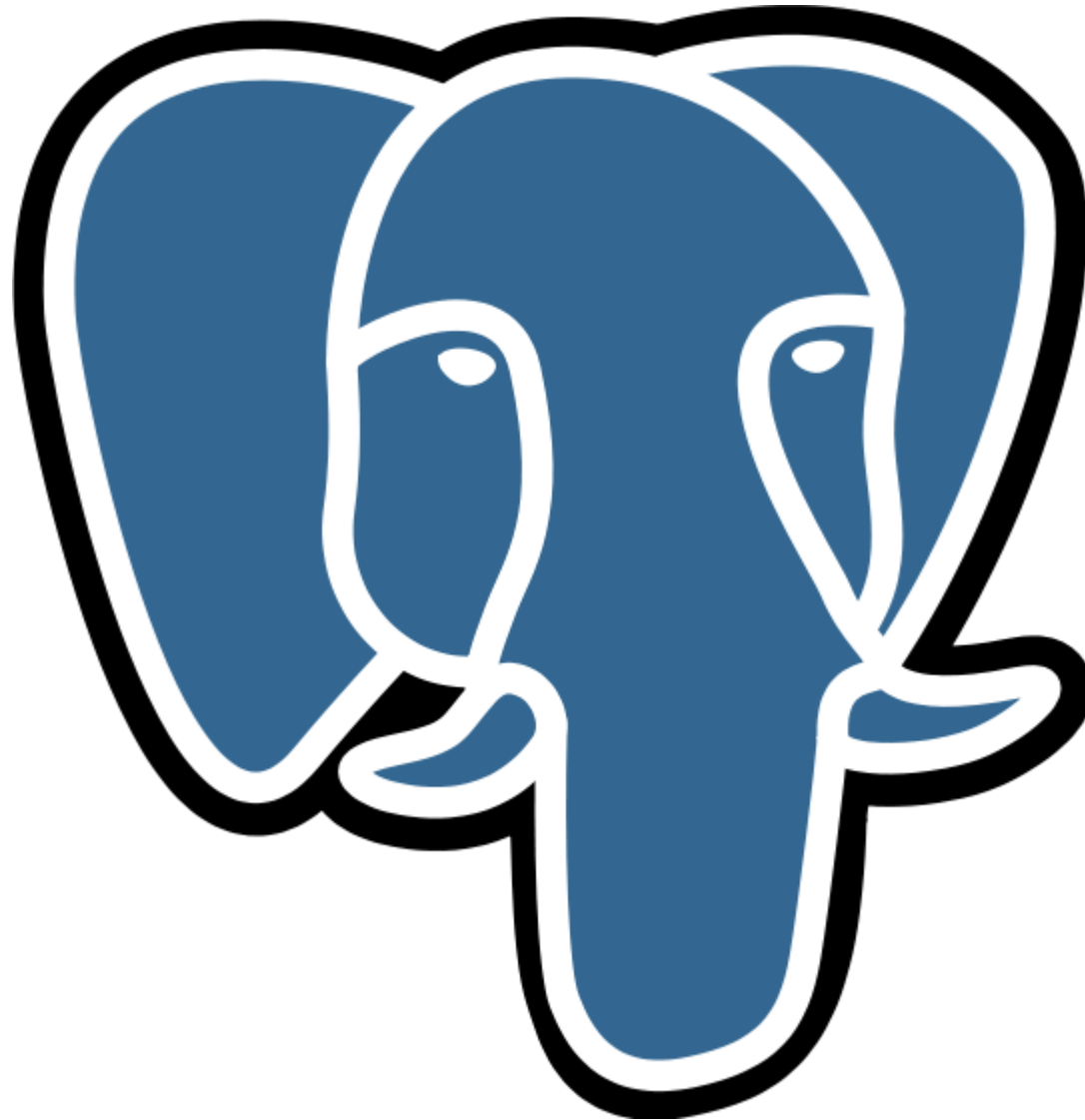
-  →  →  →  →  →  → 
- FOSDEM since 2003
- PostgreSQL developer / core team / PGCA
- Debian (retired)
- SPI
- IANAL
- *I speak for myself.*

# 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

	<i>copyright</i>	<i>trademark</i>
<i>creation</i>	automatic	paperwork
<i>international</i>	automatic	complicated
<i>owner</i>	everyone	single entity
<i>share</i>	license	license
<i>enforcement</i>	???	required



# 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 + SFLLC + ...

# 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.