

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 projects. 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 can not 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.

Specific Guidelines

The following guidelines apply to the "Node.js" word trademark, the "node[cloud]js" graphic trademark, the "node[hex]js" graphic trademark (the "Trademarks").

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.
- **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, unless your usage falls into one of the exceptions described below.

Any sort of use in commerce, such as promoting a Platform-as-a-Service or professional services offering by using the Node.js mark, *does require* a written license agreement.

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., nodeconsultingservices.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 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 is listed in a centralized module list such as NPM.

The use of NPM is intended to reduce confusion by directing new users to a place that has accurate and clear information on the relationship between the Node.js project and third-party modules.

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 “nodefoo”) 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 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.

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 TM symbol. 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 an official trademark of Joyent. This [module, event, etc.] is not formally related to or endorsed by the official Joyent Node.js open source or commercial project.”

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

If your project is listed in NPM or a similar centralized repository, you should also link to that repository from your webpage so that users can easily browse to the repository and view any clarifying information hosted there.

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.