Conservancy Starter Kit – FAQ
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What is the Conservancy Starter Kit, and who is it for?

The Conservancy Starter Kit is a new program created by Conservancy to help small and early-stage free and open source software projects[1] take initial steps towards stability and proper governance.

Most free and open source projects start informally, without an official corporate home. The project's founders choose a name and start building a project to scratch whatever itch of inspiration pulled them together. One founder ends up registering a domain, another sets up a group account with a repository hosting service, and the project develops from there.

When a project grows and gains momentum, the project's leaders are forced to rethink the early non-technical decisions they made about the project's structure. It might be unclear who "owns" the project's name; or worse, the project's name might be inadvertently stepping on someone else's trademark rights. The contributor holding the domain registration may attempt to use their administrative privilege to bully other founders, or force a fork. Third parties may attempt to co-opt the project's now-popular name for their own purposes, confusing project users and new would-be contributors.

The Conservancy Starter Kit is a new lightweight bundle of services to help projects future-proof against these risks and make life easier down the road.

What services will participating projects receive?

Conservancy will provide the following services to participating projects:

- **Domain asset stewardship.** Participating projects assign their domains to Conservancy to hold as a neutral steward, ensuring that the domain can't be

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[1] Larger, more established projects are free to participate as well. Projects can also consider applying to become full-fledged Conservancy member projects. For more information, visit https://sfconservancy.org/projects/apply/.

wrested away from the project by a rogue contributor, or used for purposes besides promoting the project. Conservancy will use participating projects' admission fee to cover domain registration fees for up to two domains for two years.

- **Trademark asset stewardship**. Although most small and early-stage projects have not applied to register their project name as a trademark, by publicly using and promoting their project name, the projects have generated *common law* rights to the name in the United States under state law (and perhaps in other non-US jurisdictions as well). Participating projects assign those common law rights to Conservancy to hold as a neutral steward. Conservancy will then grant a trademark license back to the project, ensuring that the trademark will be used to promote the project (or, if the project were to sunset, to promote free and open source software in general, in accordance with Conservancy's charitable mission).

- **Trademark registration.** If desired, Conservancy will apply to register the project's name as a trademark with the USPTO. If successful, Conservancy will hold the registered trademark as neutral asset steward, and will include the registered trademark in the trademark license granted back to the project. If the registration is not successful, Conservancy will help the project understand its options going forward.

- **Project mentorship**. Conservancy will offer three hours of mentorship services per year to participating projects. Conservancy staff members will be available to advise projects on issues relating to governance, fundraising, marketing, licensing, and free and open source license compliance.

- **Stewardship of other assets**. Projects and project contributors can choose to assign copyrights and other intangible assets to Conservancy to hold as a neutral asset steward.

- **Future-proof exit protocols**. If a project creates its own charitable organization or identifies another organization suitable to serve as the project's permanent home, Conservancy will assign all domains, trademarks, and other assets to the new organization. As part of any such transition, Conservancy will act as a hedge to ensure that this future organization shares the current founders' commitment to the project, and to free and open source software in general.

- **Priority evaluation to become a Conservancy member project**. Participating projects who wish to apply to become Conservancy member projects will be granted priority status to have their applications considered by Conservancy's Evaluation Committee.

What's the difference between the Conservancy Starter Kit and becoming a Conservancy member project?

When a member project joins Conservancy, Conservancy becomes that member project's comprehensive fiscal sponsor. Member projects become a part of Conservancy's corporate

structure. Conservancy holds all of the project's assets and bears the project's liabilities.

Conservancy provides a [broad array of services](#) for our member projects, including bookkeeping, asset stewardship, fundraising assistance, logistical support for conference hosting and planning, legal counsel, free and open source software license compliance and enforcement services, and more.

In contrast, Conservancy does not act as a fiscal sponsor for Starter Kit projects. Starter Kit projects do not become a part of Conservancy's corporate structure, and do not receive the benefits of Conservancy's full service plan.

We've tailored the Starter Kit to meet the immediate needs of small and early-stage projects. Larger, more established projects may appreciate the full range of fiscal sponsorship services available to our member projects. If you are part of a free and open source project and you are trying to decide between participating in the Starter Kit, applying to join Conservancy as a member project, or some other solution, feel free to contact us.

Will Conservancy help Starter Kit projects protect and enforce trademarks?

Trademark owners who license their trademarks have to guard against "naked licensing," a legal scenario where an owner's failure to control the quality of licensees' use of their marks results in a court declaring those marks abandoned. Starter Kit projects assign the project's trademarks to Conservancy as asset steward; in turn, Conservancy grants a trademark license back to the project. Conservancy, then, carries the responsibility to monitor use of the trademarks by licensees – which includes the Starter Kit project itself.

To do this, we ask Starter Kit projects to annually submit short quality control reports, including: the past year's software release notes; the total number of bug fixes and total number of bugs closed in the past year; the project's technical roadmap for the upcoming year; and a restatement of the project's commitment to its chosen free and open source license. These reports help ensure that the trademarks remain enforceable.

Conservancy shall enforce Starter Kit trademarks in its sole discretion, which may take into account whether the Starter Kit project can provide additional funding for enforcement. If a Starter Kit project learns of a third party infringing on the project's trademarks, they should inform Conservancy immediately. If Conservancy determines a need to enforce the trademarks, Conservancy will discuss this need with the project.

How do projects leave the Starter Kit?

Conservancy has designed the Starter Kit to allow participating projects to stay as long as they like. That said, Starter Kit projects are free to terminate their participation in the program at any time. Projects can exit the program in four ways:

- **Join another public charity**. If a Starter Kit project's leaders have identified (or

founded) another US 501(c)(3) public charity to serve as its corporate home, Conservancy will transfer any project-related assets we hold as asset steward to that successor public charity as a free donation – with the proviso that the assets be used to further the promotion, development, and defense of free and open source software.

- **Join another type of organization**. If a Starter Kit project wishes to transition to another type of entity, (e.g., a 501(c)(6) trade association, a for-profit corporation, or a non-US entity), Conservancy will work with the project to transfer project-related assets. However, Conservancy is required by US law to receive fair market value consideration for those assets. Any consideration we receive will be only spent on the promotion, development, and defense of free and open source software.

- **Apply to become a Conservancy member project**. Starter Kit projects can apply to become Conservancy member projects, and enjoy the full range of services and benefits that come with membership. If the project is accepted, Conservancy will retain ownership of any project-related assets, and establish a fund to hold and manage any donations and/or other revenue the project generates.

- **Other terminal events**. If a Starter Kit project's leaders decide to wind down the project, they can inform Conservancy in writing. Conservancy will retain ownership of any project-related assets, in order to make it easier for future developers to revive the project under its original name and brand. However, Conservancy would reserve the right to let sunsetted projects' domain names and trademark registrations lapse, should the cost of maintenance become burdensome.
  - If a project's leadership experiences a schism and results in a fork, Conservancy will work with the various factions within the project's community to determine the best outcome for the project, and to determine who retains use of the trademark, domain names, and other brand-related assets. In the absence of consensus, Conservancy reserves the right to use and/or dispose of projects' assets in the furtherance of Conservancy's charitable mission.

How much does it cost to become a Starter Kit project?

Projects pay a $150 USD admission fee for access to basic Starter Kit services. Projects with additional resources who want to support Conservancy can become a Starter Kit sponsor project for $1000 USD. The additional proceeds help fund Starter Kit and Conservancy's other charitable activities. Starter Kit sponsors have their project's logo featured prominently on the Starter Kit website.

To register a trademark, Starter Kit projects must pay an additional $500 USD to file a trademark application in one [class](#) of goods and services, plus any additional fees associated with filing in other classes.