Subject: [netways #13188] Nagios Conference Trademark Issues
From: "Julian Hein via RT" <nagioscon@rt2.netways.de>
Date: Mon, 6 Feb 2006 18:04:16 +0100 (CET)
To: nagios@nagios.org

Hi Ethan,

I noticed in your recent email that the German Nagios
conference site is hosted at the following domains:

        http://www.nagiosconference.com
        http://www.nagiosconference.org
        http://www.nagiosconference.de

This is problematic in regards to the Nagios trademark. In
order to maintain the validity of the Nagios trademark, I
need to make sure that it is not used in any manner that may
be potentially confusing
to users.

I would suggest the following changes to avert any potential
problems:

1. Make sure the conference is called something like "German
Conference for Nagios Users", "German Conference on Nagios"
in any promotional material instead of "Nagios Conference" or
"Nagios Conference for German Users". This ensures that
users don't get the impression that it is "the official"
Nagios conference, as that would be problematic with regards
to the Nagios trademark. The difference in the title of the
conference appears subtle, but is important in regards to
trademark law.

2. Host the conference information on the Netways website
under a URL like the following:

        http://www.netways.de/nagiosconference

Doing this makes it apparent to users that the conference is
associated with Netways, rather than being an "official"
Nagios conference that I am sponsoring or organizing.

3. Stop using the nagiosconference.{org|com|de} domains to
promote the conference, as this would be problematic with
regards to the Nagios trademark. These domains names make it
appear as though the conference is an "official" one that is
promoted or sponsored by me.
 Since you've already used the domains mentioned in marketing
material, I would be okay with having those domains
automatically redirecting to a URL at the Netways website (as
mentioned above) for a few months. After that period, the
domain names should be abandoned to prevent future problems.
As an alternative I could host the nagiosconference.* domains
and promote the German conference for Nagios users on it. I
would be happy to do this, and this would avoid trademark
issues as they relate to the domains.

I apologize if these issues cause you any grief. I most
certainly am looking forward to the conference and appreciate
all that you and the folks at Netways are doing, but I need
to make sure the Nagios trademark remains strong and protected.

FYI, I'll be traveling starting tomorrow afternoon and won't
be back until Friday evening. I will most likely be unable

> to access email while traveling, but I will respond to any
> emails as soon as I get back.
>
> Until later, take care and best of luck.

Let me first say, that I understand most of your concerns and I am
hopping to find a solution here, that we both can live with and have a
good time at the conference together.

1) It is definitly no problem to make it more clear and visible on the
website and other materials, that it is no official conference and you
are only involved as a speaker. I think we would just call it "NETWAYS
Conference for Nagios Professionals" or something else and put some
statements on the website.

2) I have some experience in German trademark law as well, because we
had our company name, our logo and some smaller stuff registered as
trademarks and there were some other companies, using the same name. The
first thing I learned is, that trademarks are national only. An US
trademark is completly useless in Germany or other EU contries. There is
a company called netways in Austria and I had no chance of prohibiting
them to use the name, even with us having the registered trademark in
Germany and being the older company. (They changed there name voluntary
later, because we own netways.at :-))

The problem is theoretically even bigger, because someone could register
nagios as a tredemark here and ban us (netways and other German
companies) from using it. I don't know about US trademark law, but here
a trademark is for preventing other to use the name. If something is
already put into circulation, this prevents from registering it as a
trademark. Maybe it wouldn't be a bad thing here, if everybody uses the
name. Or you must register nagios as a trademark in all EU contries.

3) I don't understand why nagiosconference.{org|com|de|net} is a
problem, while others like nagios-wiki.de or nagiosexchange.org are not?

Ok, please don't get me wrong, I definitly do not want to offend you, I
just try to understand it a little better and find a compromise. I
definitly understand, that you need to protect your trademark and if you
insist on giving up the current domains I will do it.

Maybe you could just give us a license as it is sometimes done with the
linux trademark.

What do you think about my points?

Best and take care,
Julian
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Ticketing by Request Tracker
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