Legal

January 2018 quarterly check-in

WIKIMEDIA
FOUNDATION

Our department programs

Defense of Content & Communities

Transparency Report

Fellowship Program

Promoting Free Culture

Public Policy

Our cross-department programs

Wikimedia Brand & Identity

Community Health

Privacy, Security, and Data Management

LEGAL TEAM

Cross-Department Programs

Program:
Wikimedia Brand and Identity

Segment 2:
Trademarks

January 2018 **Legal** ([Segment 2](#))   [Brand and Identity](#)

OUTCOME: Have the rights and tools necessary to protect the brand.

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
File, maintain, and defend trademark registrations worldwide	**LAST QUARTER**	
	- Jones Day (our outside trademark counsel who helps maintain registrations worldwide)	- Maintained trademark registrations worldwide, and defended them against wrongful legal and administrative challenges, including those from government offices and third parties globally.
	NEXT QUARTER	
	- Jones Day	- Same

STATUS: OBJECTIVE IN PROGRESS

January 2018 **Legal** ([Segment 2](#)) [Brand and Identity](#)

OUTCOME: Have the rights and tools necessary to protect the brand.

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
File, maintain, and defend domain name registrations	**LAST QUARTER**	
	- MarkMonitor (service provider for managing domains) - Porkbun (registrar for .wiki domains) - Audiences - Finance	- Maintained domain name portfolio
	NEXT QUARTER	
	- MarkMonitor - Porkbun	- Continue to maintain domain name portfolio

STATUS: OBJECTIVE IN PROGRESS

January 2018 **Legal** ([Segment 2](#))   [Brand and Identity](#)

OUTCOME: Third-party uses of the Wikimedia brands align with our mission and brand goals.

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Facilitate mission-aligned community and external uses of Wikimedia marks through our trademark policy and by granting trademark licenses	**LAST QUARTER**	
	- Communications - Audiences - Partnerships & Global Reach	- Reviewed requests to use trademarks and drafted licenses when uses furthered or promoted the mission
	NEXT QUARTER	
	- Partnerships & Global Reach - Communications - Community Resources	- Continue reviewing permission requests and draft licenses as appropriate to allow mission-aligned uses of the marks

STATUS: OBJECTIVE IN PROGRESS

January 2018 **Legal** ([Segment 2](#))   [Brand and Identity](#)

OUTCOME: Prevent misuse of the Wikimedia brand.

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Send cease and desist notices and file complaints in response to trademark infringement	**LAST QUARTER**	
	- MarkMonitor (service provider for identifying infringement)	- Sent cease and desist letters to those misusing Wikimedia trademarks - Filed complaints through domain name dispute resolution procedures - Pursued trademark infringement associated with paid editing listings
	NEXT QUARTER	
	- MarkMonitor	- Continue to send cease and desist letters and initiate domain name disputes to curb misuse of trademarks

STATUS: OBJECTIVE IN PROGRESS

Department Programs

Defense of
Content & Communities

GOAL: Protect the Wikimedia Foundation, the Wikimedia communities and content, and the free knowledge movement broadly from legal threats

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Defend against legal threats to the Foundation and Wikimedia content	**LAST QUARTER**	
	- SuSa - Outside counsel - Comms	- Legal defense of WMF in the U.S. and worldwide - Targeted legal action against threats to the movement - Timely, professional responses to legal threats, takedown demands, and government orders.
	NEXT QUARTER	
	- SuSa - Outside counsel - Comms	- Continue defending against litigation and legal threats brought against the Foundation or good-faith community members

STATUS: OBJECTIVE IN PROGRESS

January 2018 **Legal**

GOAL: Protect the Wikimedia Foundation, the Wikimedia communities and content, and the free knowledge movement broadly from legal threats

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Fund defensive litigation for community members and movement organizations in appropriate circumstances through the Legal Fees Assistance Program and Defense of Contributors Program	**LAST QUARTER**	
	- CE - Outside Counsel - Comms	- No new user cases this quarter
	NEXT QUARTER	
	- CE - Outside Counsel - Comms	- Continue supporting ongoing user cases -Provide support for new threats against good-faith users.

STATUS: OBJECTIVE IN PROGRESS

GOAL: Protect the Wikimedia Foundation, the Wikimedia communities and content, and the free knowledge movement broadly from legal threats

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
File amicus briefs and proactive litigation where appropriate to protect the Wikimedia movement (Part I)	**LAST QUARTER**	
	- CE - Outside Counsel - Comms	- Filed observations before the CJEU, presenting our arguments about the harm done by global search engine delistings - Continued finding and assessing amicus opportunities

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January 2018 **Legal**

GOAL: Protect the Wikimedia Foundation, the Wikimedia communities and content, and the free knowledge movement broadly from legal threats

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
File amicus briefs and proactive litigation where appropriate to protect the Wikimedia movement (Part II)	**NEXT QUARTER**	
	- CE - Outside Counsel - Comms	- Continue public advocacy on key areas of the law that support the editorial discretion of the Wikimedia communities

STATUS: OBJECTIVE IN PROGRESS

Transparency Report

GOAL: To publish two Transparency Reports, July/Aug. 2017 and Jan./Feb. 2018

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Publication of biannual Transparency Report	**LAST QUARTER**	
	- Advancement	- Continue distributing print report, including at donor events
	NEXT QUARTER	
	- Outside engineering contractor - Comms - SuSa	- Prepare and release new report in late February, covering requests from July-December 2017 - Distribute print report (updated with new data) beginning in March

STATUS: OBJECTIVE IN PROGRESS

Fellowship Program

GOAL: Recruit a class of top fellows each semester who provide the Foundation with high-quality legal work and are passionate about the opportunity to learn about the Wikimedia movement.

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Have 3-7 legal fellows participate in the program each semester with an opportunity to advance the Wikimedia values, and maintain strong relationships with academic institutions	**LAST QUARTER**	
	- Talent and Culture	- Brought in 2 fall legal fellows - Transitioned long term fellow to legal counsel - Completed spring recruiting for current class of three semester interns, who recently started. -Began preparations for a new long-term fellow hiring, to be carried out this quarter. -Began summer recruiting
	NEXT QUARTER	
	- Talent and Culture	- Complete summer recruiting - Complete long-term fellow recruiting

STATUS: OBJECTIVE IN PROGRESS

Promoting Free Culture

WIKIMEDIA
FOUNDATION

GOAL: Provide core legal support for the Foundation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Update Wikipedia copyright license to Creative Commons 4.0 [delayed from last FY]	**LAST QUARTER**	
		- Delayed
	NEXT QUARTER	
		- Preparing for the upgrade to CC 4.0 (delayed, cont.)

STATUS: Delayed

Public Policy

Intermediary responsibility

- Regulatory and legislative pressure on platforms to police user-generated content
- Freedom of expression argument that platforms should keep their hands off users' speech is decreasing in effectiveness
- Public policy should focus on outcome (i.e. a safe internet) rather than process.

מנו ספנות (CC0)

January 2018 **Legal**   Program 4

Topic	Activities
Intermediary liability	- Published blog post on Stop Enabling Sex Trafficking Act (SESTA) and the importance of keeping strong platform protections in CDA 230 - Submitted response to survey by the European Commission on removals of illegal content - Sponsored a fellow at Yale ISP to focus on intermediary liability rules
Access to knowledge	- Published blog post urging the FCC not to repeal net neutrality rules; supported campaigns by activist groups to keep the rules in effect on social media - Held a side-meeting on access to knowledge during the Internet Governance Forum in Geneva, in collaboration with Berkman Klein Center at Harvard and University of Geneva
Freedom of expression	- Hosted UN Special Rapporteur on Freedom of Expression, David Kaye, for a day at the office and explained how Wikimedia tackles harmful expression - Organized talk by David Kaye at Mozilla's office as part of our Free Open Shared event series. - Ongoing issues in Turkey
Privacy	Signed two letters from the ACLU and other organizations, encouraging specific reforms of Section 702 of the Foreign Intelligence Surveillance Act, the law that we are challenging in WMF v. NSA

January 2018 **Legal**

GOAL: Articulate positions on all public policy issues that are critical for the mission and operations of the Foundation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Monitor and assess ongoing policy developments worldwide, including issues that may affect other teams	**LAST QUARTER**	
	- Comms	- Published a blog post about the need for strong intermediary protections from liability for user-generated content in the context of SESTA. - Published a blog post about the need for strong net neutrality rules to ensure access to knowledge for everyone. - Held side-meeting on access to knowledge at Internet Governance Forum in Geneva, in which participants agreed to improve collaboration and information sharing and to explore possibilities of a joint monitoring system.

January 2018 **Legal**

GOAL: Articulate positions on all public policy issues that are critical for the mission and operations of the Foundation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Monitor and assess ongoing policy developments worldwide, including issues that may affect other teams	**NEXT QUARTER**	
	- Comms	- Application to join Global Network Initiative to bring the free knowledge perspective into this policy network (moved from Q2 to Q3) - Continue conversations about joint monitoring system with allied organizations. - Publish blog posts about our views on automatic content detection and free knowledge.

STATUS: OBJECTIVE IN PROGRESS

January 2018 **Legal**

PROGRAM
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GOAL: Local Wikimedia communities are empowered to work towards policy change

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Publish updates and resources on the Wikimedia public policy page, mailing list, and other venues	**LAST QUARTER**	
	- Comms - Travel	- Sent regular updates about policy issues to the public policy list to inform the communities and allies about our policy work - Connected Wikimedians in LatAm with activists working on public policy for the region.

January 2018 **Legal**

GOAL: Local Wikimedia communities are empowered to work towards policy change

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Publish updates and resources on the Wikimedia public policy page, mailing list, and other venues	**NEXT QUARTER**	
	- Comms	- Publish a biannual update to the public policy site to ensure it reflects the most recent developments (moved from Q2 to Q3) - Publish policy resource on non-commercial clauses to provide a clear, accessible explanation of why adding it to new copyright exceptions is harmful for free knowledge (moved from Q1 to Q2) - Send out updates to public policy list to keep volunteers informed about our work

STATUS: OBJECTIVE IN PROGRESS

January 2018 **Legal**

GOAL: Support Wikimedia communities around the world in resisting government censorship efforts, and increase people's ability to access and participate in the Wikimedia projects

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Create and maintain informational resources to help empower Wikimedia communities in anti-censorship efforts	**LAST QUARTER**	
	- Comms - Travel	-Continued support around Turkey block

January 2018 **Legal**

GOAL: Address issues of future importance to the projects

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Develop and maintain censorship monitoring capabilities in at-risk countries around the world	**NEXT QUARTER**	
	- Comms - Civil liberties organizations, censorship researchers, and at-risk communities	-Delivery of anti-censorship toolkit to aid and empower our communities around the world (moved from Q1 to Q2)

STATUS: OBJECTIVE IN PROGRESS

What you learned doing public policy:

Did anything unexpected (good or bad) happen?

-

What would you do differently if you had to do it again?

-

Did you struggle with anything?

We struggle with a lack of available research on removals of illegal content on our projects, and with a lack of resources to commission that research. A better understanding of the processes of detecting and removing of harmful or illicit content on our platform would allow us to make better, more compelling policy arguments.

Department Non-Programmatic Work

Employment Law & Immigration Support

OUTCOME: Deeper affiliation with Yale Law School

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Maintain and strengthen affiliation with Yale Law School/Yale Information Society Project (Yale ISP)	**LAST QUARTER**	
		- Support the Wikimedia/Yale Law School Initiative on Intermediaries and Information (WIII) Fellowship, which (1) raises awareness of threats to an open internet, especially those affecting online intermediaries and their users, and (2) makes creative policy suggestions that protect and promote internet-facilitated access to information. The initial focus is on on promoting the "right to link," understanding link censorship laws and litigation, and other issues regarding hyperlink and intermediary liability.
	NEXT QUARTER	
		- Same. Participate/present in several conferences around Wikimedia/YLS work in this field, along with academics, not for profits, and other internet platforms

January 2018 **Legal**   None

OUTCOME: Compliance with applicable employment and labor laws and risk mitigation

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Monitor changes to employment and labor laws and update policies and practices as needed	**LAST QUARTER**	
	- T&C	- Implemented anonymous whistleblower hotline - Advised on employment matters
	NEXT QUARTER	
	- T&C	- Provide support on various employment-related issues, documentation

STATUS: OBJECTIVE IN PROGRESS

OUTCOME: Staff and contractors having ability to relocate and travel freely in relation to their work at the Foundation.

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Process visa applications and immigration issues as they arise.	**LAST QUARTER**	
	- T&C	-Advised on hiring contractors, including scoping risks in various countries, regions; support obtaining and renewing H1B visas
	NEXT QUARTER	
	- T&C	-Same

STATUS: OBJECTIVE IN PROGRESS

Training

GOAL: Provide core legal support for the Foundation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Train Foundation staff on legal policies and procedures	**LAST QUARTER**	
	N/A	- Offered two legal trainings
	NEXT QUARTER	
	-All staff -Managers -Legal and Comms	- Updates to general staff legal training for 2018 -Support for other departments as needed

STATUS: OBJECTIVE IN PROGRESS

Fundraising Law & Compliance Support

OUTCOME: Compliance with global fundraising laws.

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Monitor fundraising, anti-spam, and other applicable laws in top fundraising countries	**LAST QUARTER**	
	- Outside counsel (Covington)	- Reviewed banners and material for the 2017 December campaign.
	NEXT QUARTER	
	- Outside counsel (Covington)	- Provide speedy ongoing feedback - Update our compliance research.

STATUS: OBJECTIVE IN PROGRESS

January 2018 **Legal**   None

OUTCOME: Compliance with global fundraising laws.

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Maintain charitable organization registrations in all states	**LAST QUARTER**	
	- Labyrinth	- Updated Labyrinth with our new office address
	NEXT QUARTER	
	- Labyrinth	- Update registrations with new address through Q1 next year

STATUS: OBJECTIVE IN PROGRESS

January 2018 **Legal**   None

OUTCOME: Maintenance of strong endowment.

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Provide legal support and advice for maintenance of Wikimedia endowment	**LAST QUARTER**	
	- Advancement	- Reviewed the Endowment website.
	NEXT QUARTER	
	- Advancement	- Ongoing support of Endowment.

STATUS: OBJECTIVE IN PROGRESS

Contracts

OUTCOMES: Consistent and searchable recordkeeping, with streamlined creation, review, and approval of contracts; risk mitigation through contractual provisions

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Draft, review, and negotiate contracts to protect the Foundation and mitigate risk;	**LAST QUARTER**	
	- All departments needing contracts - Outside vendors	- Protected WMF and minimized risk through contractual agreements
Maintain a robust contracts program and process in collaboration with Finance and Administration	**NEXT QUARTER**	
	- All departments needing contracts - Outside vendors	- Continue to protect WMF and minimize risk through contractual agreements

STATUS: OBJECTIVE IN PROGRESS

Board Support

January 2018 **Legal**

OUTCOME: Organized and productive Board meetings

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Organized and productive Board meetings	**LAST QUARTER**	
	- ED - Board leadership	- Supported planned Board meeting and retreat on November 17–19 (in Sausalito)
	NEXT QUARTER	
	- ED - Board leadership	- Support Board informational session on January 29 - Begin preparing for Board meeting on April 19 (at Wikimedia Conference)

STATUS: OBJECTIVE IN PROGRESS

January 2018 **Legal**

<div align="center">None</div>

OUTCOME: Organized and productive Board meetings

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Take and publish official Board meeting minutes, and maintain other Board records	**LAST QUARTER**	
	- Board	- Minutes published for the August meeting - Prepared resolution for appointment of Esra'a - Prepared resolution for re-appointment of Kelly - Prepared resolution approving the FDC grant recommendations
	NEXT QUARTER	
	- Board	- Publish minutes for the November meeting

STATUS: OBJECTIVE IN PROGRESS

OUTCOME: Prepared and informed Board members

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Prepare and conduct legal trainings, as needed	**LAST QUARTER**	
		- Provide legal training and orientation to Raju and James prior to the November meeting
	NEXT QUARTER	
		- Provide legal training and orientation to Esra'a

STATUS: OBJECTIVE IN PROGRESS

Copyright Clearance

January 2018 **Legal**   None

OUTCOME: Legally compliant media produced.

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Provide timely, clear, and helpful advice on the copyrighted works used in Foundation media	**LAST QUARTER**	
	- Comms	- Provided legal review for publications
	NEXT QUARTER	
	- Comms	- Continue assisting as needed

STATUS: OBJECTIVE IN PROGRESS

General Legal Advice & Support

January 2018 **Legal**   None

OUTCOME: Organizational legal compliance, best practices, and risk mitigation achieved.

What is your objective?	Who are you working with?	What impact / deliverables are you expecting?
Provide timely, innovative, and effective legal advice and support to all departments as needed	**LAST QUARTER**	
	- Advancement - Comms - Finance and Administration - Audiences - Tech - CE - Partnerships & Global Reach	Conducted thorough research and provide pragmatic legal and policy advice to all teams as needed, for example: - Reviewed media inquiries with legal components - Provided product counseling - Continued advice on grantmaking in sensitive jurisdictions - Worked with SuSa team on legal review and approval of several global bans
	NEXT QUARTER	
	Same	-Same

STATUS: OBJECTIVE IN PROGRESS

DEVIATIONS FROM PLANS

Currently postponed lower-priority projects
- Publishing public policy resources on non-commercial clauses remains postponed due to insufficient team resources.
- Updating employment documents postponed due to staff departure/resources.
- Delivery of anti-censorship toolkit to aid and empower our communities around the world postponed due to staff departure/resources.
- Map of organizations supporting policy in the Wikimedia movement was postponed.

Postponed due to insufficient resourcing:
- Upgrade to Creative Commons 4.0

Questions?