# Legal

## January 2017 quarterly check-in

**WIKIMEDIA**
FOUNDATION

LEGAL TEAM
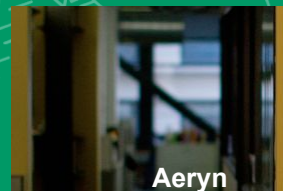
# Here are a few of the areas we work in...

Copyright

Privacy

Trademark

Contracts

Public Policy

Free Expression

Litigation

# Trademarks

CHECK IN

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TEAM/DEPT

**Legal**

PROGRAM

None

# GOAL: Provide core legal support for the Foundation

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Maintain and defend *project* trademarks worldwide | **LAST QUARTER** | |
| | - Jones Day (our outside trademark counsel who helps maintain registrations worldwide)<br>- MarkMonitor (service provider for identifying infringement and managing domains) | - Maintained project registrations and domains worldwide, and defended them against wrongful legal and administrative challenges, including those from government offices and third parties globally. |
| | **NEXT QUARTER** | |
| | - Jones Day<br>- MarkMonitor | - Same |

**STATUS: OBJECTIVE IN PROGRESS**

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**Legal**

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None

## GOAL: Provide core legal support for the Foundation

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Maintain and defend *Foundation* trademarks worldwide | **LAST QUARTER** | |
| | - Jones Day (our outside trademark counsel who helps maintain registrations worldwide)<br>- MarkMonitor (service provider for identifying infringement and managing domains) | - Maintained Foundation registrations and domains worldwide, and defended them against wrongful legal and administrative challenges, including those from government offices and third parties globally. |
| | **NEXT QUARTER** | |
| | - Jones Day<br>- MarkMonitor | - Same |

**STATUS: OBJECTIVE IN PROGRESS**

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**Legal**

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**WIKIMEDIA
FOUNDATION
ANNUAL PLAN**

# GOAL: Protect project trademarks

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Support mission-based community use | **LAST QUARTER** | |
| | Comms (occasional need for review) | - Advised individual community members, user groups, chapters, and others on the application of our open Trademark Policy, with a goal of supporting the communities' work in furtherance of their mission |
| | **NEXT QUARTER** | |
| | Comms (occasional need for review) | - Same |

**STATUS: OBJECTIVE IN PROGRESS**

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**Legal**

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**WIKIMEDIA
FOUNDATION
ANNUAL PLAN**

# GOAL: Protect project trademarks

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Grant mission-oriented licenses | **LAST QUARTER** | |
| | - Comms (occasional need for review) | - Reviewed requests to use trademarks and drafted licenses when uses furthered or promoted the mission |
| | **NEXT QUARTER** | |
| | - Comms (occasional need for review)<br>- Wikimania 2017 organizers | - Continue reviewing license requests and draft licenses as appropriate to allow mission-aligned uses of the marks<br>- Finalize Wikimania 2017 agreement to allow use of the marks at Wikimania (now done)<br>- Update license template to improve clarity and account for more potential uses of the marks |

**STATUS: OBJECTIVE IN PROGRESS**

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**Legal**

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**WIKIMEDIA
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ANNUAL PLAN**

# GOAL: Protect project trademarks

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Enforce against misuse of marks | **LAST QUARTER** | |
| | - Freelance job site<br>- MarkMonitor (service provider for identifying infringement and managing domains) | - Continued to streamline takedowns with a freelance job site to reduce improper paid editing on the projects<br>- Streamlined takedown process with eBay<br>- Sent cease and desist letters to those misusing Wikimedia trademarks |
| | **NEXT QUARTER** | |
| | - Freelance job sites<br>- MarkMonitor | - Build relationships with additional freelance job sites to curb improper paid editing<br>- Continue to send cease and desist letters to curb misuse of trademarks |

**STATUS: OBJECTIVE IN PROGRESS**

# Defending content & community members

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## GOAL: Support community members who are facing unfair litigation

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Administer the Defense of Contributors Program and the Legal Fees Assistance Program | **LAST QUARTER** | |
| | - SuSa<br>- Outside counsel | - Supported litigation brought against good-faith users of the projects with an eye towards funding cases that advance the mission and values of the Wikimedia movement |
| | **NEXT QUARTER** | |
| | - SuSa<br>- Outside counsel | - Same |

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## GOAL: Fight censorship and report on efforts to modify content or obtain user data

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Resist demands to remove content or provide nonpublic user information | **LAST QUARTER** | |
| | - SuSa<br>- Outside counsel (on occasion)<br>- Comms | - Carefully evaluated all requests to remove/alter content or for nonpublic user info and pushed back in inappropriate cases |
| | **NEXT QUARTER** | |
| | - SuSa<br>- Outside counsel (on occasion)<br>- Comms | - Same |

**STATUS: OBJECTIVE IN PROGRESS**

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## GOAL: Ensure that the communities retain their editorial discretion with respect to project content

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Pursue advocacy litigation, opportunities for amicus briefs, and press to protect the community-centric model (Unplanned workflow) | **LAST QUARTER** | |
| | - CE<br>- Outside Counsel<br>- Comms | - Hearing held in appeal of Wikimedia v. NSA in Richmond, Virginia<br>- Monitored newly filed and ongoing cases, and created and maintained contacts within the tech and legal spheres to find and assess amicus opportunities<br>- Drafted and filed letter in support of Glassdoor in case regarding the unmasking of anonymous online speakers<br>- Worked with Comms and ED Katherine Maher to publish Equustek op-ed on dangers of global removal of search results<br>- Worked with Comms and WMFR to publish op-ed encouraging changes to operation of Right to be Forgotten |

## GOAL: Ensure that the communities retain their editorial discretion with respect to project content

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Pursue advocacy litigation, opportunities for amicus briefs, and press to protect the community-centric model (Unplanned workflow) | **NEXT QUARTER**<br><br>- CE<br>- Outside Counsel<br>- Comms | - Seek out new amicus opportunities on issues that are critical to the Wikimedia movement<br>- Continue public advocacy on key areas of the law that support the editorial discretion of the Wikimedia communities |

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WIKIMEDIA
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# GOAL: Fight censorship and report on efforts to modify content or obtain user data

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Publication of biannual Transparency Report | **LAST QUARTER** | |
| | N/A | - N/A - Next report in Q3 |
| | **NEXT QUARTER** | |
| | - Outside engineering contractor<br>- Comms<br>- SuSa | - Will publish July-Dec 2016 Transparency Report to shine light on the types of legal demands we received and how we responded |

**STATUS: OBJECTIVE IN PROGRESS**

# Public Policy

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# 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? |
|---|---|---|
| Coordination and identification | **LAST QUARTER** | |
| | - Comms<br>- T&C<br>- Admin & OIT | - Set up policy newsletter to better inform the community and allies about Wikimedia policy work<br>- Hosted speaker event on digital policy topic to bring awareness to policy issues important to the movement (from Q1) |
| | **NEXT QUARTER** | |
| | - Comms<br>- T&C<br>- Admin & OIT | - Host the next quarter's Free Open Shared speaker to raise awareness of digital policy issues around privacy in Asia |

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**[WIKIMEDIA FOUNDATION ANNUAL PLAN](#)**

# 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? |
|---|---|---|
| Planning, drafting, and execution (Part I) | **LAST QUARTER** | |
| | - Comms<br>- Travel<br>- Internet & Jurisdiction | - Updated content on public policy portal with community input to reflect work we have done in the past year and provide accurate information for volunteers (from Q1)<br>- Monitored and published on EU Copyright reform to create awareness for our proactive asks<br>- Participated in Internet & Jurisdiction Conference to protect Wikimedia interests in new potential jurisdictional framework<br>- Met with Members of EU Parliament at the Internet Governance Forum to explain our position on copyright and other issues. |

# **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? |
|---|---|---|
| Planning, drafting, and execution (Part II) | **NEXT QUARTER** | |
| | - Comms | - Publish a bi-yearly update to the public policy site to ensure it reflects the most recent developments<br>- Publish resource for Wikimedians who contact policymakers<br>- Publish blog post on the impact of the proposed EU copyright reform to emphasize the value of public domain resources for Wikimedia<br>- Publish blog in fair use week explaining the public policy basis for Wikipedia's guidelines in more detail |

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**<u>WIKIMEDIA
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# 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? |
|---|---|---|
| Planning, drafting, and execution (Part III) | **NEXT QUARTER** | |
| | - Comms | - Submit second round of comments to the US Copyright Office on the safe harbors and notice-and-takedown system<br>- Publish policy resource to help Wikimedians explain the projects to policymakers (moved from Q2 to Q3)<br>- Publish policy resource on non-commercial clause to provide a clear, accessible explanation of why adding it to new copyright exceptions is harmful for free knowledge (moved from Q2 to Q3) |

**STATUS: OBJECTIVE IN PROGRESS**

# 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? |
|---|---|---|
| Expand policy policy network and awareness of WMF policy efforts (Unplanned workflow) | **LAST QUARTER** | |
| | - Wikimedia DC | - Assessed joining Global Network Initiative / Network of Centers to bring the free knowledge perspective into one of these diverse networks<br>- Held workshop at Internet Governance Forum 2016 to build alliance for policy around Wikipedia as a public space<br>- Presented panel at WikiConference North America to increase awareness & understanding of policy work; engage with community |
| | **NEXT QUARTER** | |
| | | - Joining Global Network Initiative / Network of Centers to bring the free knowledge perspective into one of these diverse networks (based on assessment last quarter) |

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# 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? |
|---|---|---|
| Support community in avoiding gov't and other censorship. (Unplanned objective) | **LAST QUARTER** | |
| | N/A | N/A |
| | **NEXT QUARTER** | |
| | -Civil liberties organizations, censorship researchers, and at-risk communities | - Develop anti-censorship initiatives to aid and empower our communities around the world |

**STATUS: OBJECTIVE IN PROGRESS**

# Core:
# Privacy & Security

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None

**GOAL:** Provide core legal support for the Foundation

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Draft, enact, and ensure compliance with best practices for privacy (Part I) | **LAST QUARTER** | |
| | - Product<br>- Tech<br>- CE<br>- Security | - Worked to draft, enact, and ensure compliance with best practices for privacy<br>- Conducted Privacy by Design training to inform staff of best practices<br>- Prepared additional trainings on privacy |
| | **NEXT QUARTER** | |
| | - Product<br>- Tech<br>- Advancement/Fundraising Tech | - Continue to work to draft, enact, and ensure compliance with best practices for privacy |

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None

# GOAL: Provide core legal support for the Foundation

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Provide useful information about our privacy practices to community members and the public | **LAST QUARTER** | |
| | - CE | - Updated information on survey privacy practices, to provide community members conducting surveys with useful information (from Q1)<br>- Created privacy training for community admins to raise awareness of WMF and community policies (from Q1) |
| | **NEXT QUARTER** | |
| | - CE | - Community admin privacy training to be included in launch of CE-created training portal |

**STATUS: OBJECTIVE IN PROGRESS**

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None

# GOAL: Provide core legal support for the Foundation

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Draft, enact, and ensure compliance with best practices for security | **LAST QUARTER** | |
| | - OIT<br>- Security | - Worked to draft, enact, and ensure compliance with best practices for security |
| | **NEXT QUARTER** | |
| | - OIT<br>- Security | - Continue to work to draft, enact, and ensure compliance with best practices for security |

**STATUS: OBJECTIVE IN PROGRESS**

# Core:
# Contracts

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**Legal**

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None

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# GOAL: Provide core legal support for the Foundation

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Negotiate, review, and approve contracts the Foundation signs | **LAST QUARTER** | |
| | - All departments needing contracts<br>- Outside vendors | - Protected WMF and minimized risk through contractual agreements |
| | **NEXT QUARTER** | |
| | - All departments needing contracts<br>- Outside vendors | - Same |

**STATUS: OBJECTIVE IN PROGRESS**

# Core: Training

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None

# **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** | |
| | - CE<br>- Advancement & FR Tech<br>- Tech<br>- Product | - Plan and conduct staff training on legal issues |
| | **NEXT QUARTER** | |
| | - CE<br>- Advancement & FR Tech<br>- Tech<br>- Product | - Same |

**STATUS: OBJECTIVE IN PROGRESS**

# Core:
# Board

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None

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## GOAL: Provide core legal support for the Foundation

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Support the Board of Trustees | **LAST QUARTER** | |
| | - ED<br>- Governance Committee | - Supported scheduled Nov. and Dec. Board meetings<br>- Submitted delegation of policy-making authority resolution to Board to streamline policy-making process<br>- Updated Board on results of CC 4.0 consultation |
| | **NEXT QUARTER** | |
| | - ED<br>- Governance Committee | - Set Board calendar for 2017<br>- Support Feb & March Board meeting |

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None

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# GOAL: Provide core legal support for the Foundation

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Support the Board recruitment | **LAST QUARTER** | |
| | - ED<br>- Governance Committee<br>- T&C | - Created and delivered to Board four potential candidate profiles to narrow focus and prioritize recruiting for open appointed seats<br>- Created and delivered initial draft of board recruiting materials |
| | **NEXT QUARTER** | |
| | - ED<br>- Governance Committee<br>- T&C<br>- Comms | - Finalize draft of board recruiting materials to introduce WMF, the movement, and the role of Board members to potential candidates<br>- Begin recruitment of potential candidates |

**STATUS: OBJECTIVE IN PROGRESS**

# Core:
# Licensing

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**Legal**

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None

# 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 | **LAST QUARTER** | |
| | - CE<br>- Comms<br>- Reading (desktop, mobile web, and apps) | - Close consultation and began coordinating upgrade, based on community feedback |
| | **NEXT QUARTER** | |
| | - Comms<br>- Reading (desktop, mobile web, and apps) | - Announcing and implementing the upgrade to CC 4.0 |

**STATUS: OBJECTIVE IN PROGRESS**

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None

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## GOAL: Provide core legal support for the Foundation

| What is your objective / workflow? | Who are you working with? | What impact / deliverables are you expecting? |
|---|---|---|
| Provide general advice and support to other departments | **LAST QUARTER** | |
| | - Advancement<br>- Comms<br>- Finance and Administration<br>- Product<br>- Tech<br>- CE<br>- Partnerships | Conducted thorough research and provide pragmatic legal and policy advice to all teams as needed, for example:<br>● Reviewed media inquiries with legal components<br>● Provided product counseling<br>● Assisted obtaining appropriate insurance coverage |
| | **NEXT QUARTER** | |
| | Same | Same |

**STATUS: OBJECTIVE IN PROGRESS**