**Evergreen Oversight Board Meeting**

**Wednesday, October 17, 2012**

**MINUTES**

Present: **Amy Terlaga, Galen Charlton, Rogan Hamby, Stephen Elfstrand, Elizabeth McKinney, Jim Corridan, Ben Hyman, Kathy Lussier, Dan Scott, Steve Wills**

1. Review of minutes from previous meeting – Jim Corridan moved to adopt the minutes, Rogan seconded. The motion passed unanimously.

2. Financial Report

Earlier in the morning, Dan Scott sent the financial update by email.

$46,506.98 Expenses:Evergreen

$335.53 Banking Fees

$44,560.54 Conferences

$72.00 Hosting

$1,538.91 SoC Mentor Summit 2012

$-77,378.67 Income:Evergreen

$-62,427.61 Conferences

$-47.83 Currency Conversion

$-14,898.97 Donations

$-4.26 Interest

$-1,141.44 Unearned Income:Evergreen:Conferences

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$-32,013.13

There is a balance of 32,013.13. The major expense is the Google Summer of Code expense.

Jim Corridan moved to approve the financial report. Rogan Hamby seconded. The motion carried.

3. Evergreen Web Team/Communications Committee Report

In Lori’s absence, this report was deferred to later in the meeting. Since Lori did not show up, this report was tabled until next meeting.

4. Evergreen 2013 Conference Committee Report

The deadline for program submissions is October 31st. Please book hotel rooms. Sponsorships continue. Space has been reserved for the interest groups the day of the hackfest. They have commitments in $22,700 in sponsorship dollars. The local planning team has set a new target of $30,000. Galen asked if they anticipate any stumbling blocks in the near future. Not at the moment, but they will review everything after the program submission deadline. Steve asked how many registrations they currently have. Ben reported: 55.

5. Discussion and vote on proposed trademark policy   
During the community review period, there were few questions. Galen referred these to Tony Sebro and then sent them on to the Board. The following is excerpted from an email message, dated Wednesday, October 17, 2012, from Tony to Galen on the subject:

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[1] What would be the preferred way of writing "Evergreen ILS" with a trademark symbol?

Evergreen® ILS / Evergreen™ ILS

or

Evergreen ILS® / Evergreen ILS™

The ® symbol is only to be used with federally registered trademarks.

"Evergreen" has been registered; "Evergreen ILS" has not. So, I'd recommend "Evergreen®ILS," in general.

Is "ILS" is a widely-used acronym used to describe library systems?

If so, then there's not much sense in attempting to trademark "Evergreen ILS"; it'd be like trademarking "Nike shoes" instead of Nike® shoes. On the other hand, if it's a unique moniker created by the Evergreen community, then it's appropriate to use "Evergreen® ILSTM" (although that's cumbersome), or even just "ILSTM" by itself.

[2] Does this policy need to address any future rebranding, like logo updates? Or is that outside of the scope?

The policy can always be amended if and when Evergreen chooses to rebrand. I don't think the policy needs to explicitly state this; we could just implement and publish a new policy when the time comes. If we get to this, I recommend that the new policy include a means of phasing out (and, perhaps, eventually prohibiting) the use of the old marks in some way.

[3] Also, this trademark policy is only valid in the USA, right?

The TM policy is valid across the globe, to the extent that it describes ways that Conservancy/Evergreen is willing to allow the marks to be used. In that context, it's like any other community policy, and can be enforced using traditional FOSS community means (e.g., social pressure). The real question is whether the trademark policy is truly enforceable by law in foreign jurisdictions. Answer:

not as much. The "Evergreen" trademark is only registered in the US.

But other jurisdictions allow for the creation of common-law trademark rights without registration. Our ability to enforce unregistered marks in foreign countries will vary widely from country to country. I'd need to do more research to know exactly how hard we could push (if at all), but in any event, an unregistered mark is never going to be as strong and as enforceable as a registered mark.

Evergreen and Conservancy would also have to determine how much time, funding, and resources we would want to devote to enforcing the policy overseas. Large, for-profit companies with far greater resources struggle with trademark infringement in certain foreign countries.

It's by no means an easy thing to do.

To expand on that last question, one country in particular that comes to mind is Canada.

If the EOB is interested in registering the Evergreen trademark in Canada (or any other country), let me know and I'll put together an estimate of the related legal costs and filing fees. If we were to register the mark in Canada, we would only need to amend the TM policy to explicitly include the registered mark in the list of covered marks at the beginning of the policy.

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In terms of outside of the US, Rogan asked if the Conservancy has ever done this before and if they have any advice for us in that regard.

Jim asked about our policy on the exemptions. Galen knew of only two instances where the word Evergreen was used with a different image – Evergreen Indiana and Missouri Evergreen. Stephen asked if they could hold onto these different logos indefinitely. Dan Scott thought that it would be better to not be punitive to these institutions. Elizabeth suggested that each institution should come into compliance after a set amount of time. Galen suggested five years, but that this should be discussed with Missouri Evergreen and Evergreen Indiana. Galen suggested we draft a memorandum of understanding. The time period will be definite. Galen moved that Evergreen Indiana and Missouri Evergreen enter into discussions with the Board to come into compliance with the Evergreen logo by no longer than 5 years. Kathy Lussier seconded. The motion carried.

The trademark policy has been available for the community to review for about a month and there have been no changes to it. Jim Corridan moves that the policy be adopted. Ben Hyman seconded. Elizabeth pointed out that the policy will need to be changed for the exceptions discussed and for international registration, but we can move forward as is. The motion carried.

6. Evergreen 2014 site selection

Jim Corridan, as host of the 2012 conference, is chair of the site selection committee. He asked for volunteers. Rogan Hamby, Ben Hyman, Grace Dunbar, and Lori Ayre will be volunteers. Galen pointed out that we’re behind schedule and will need to get moving on this. Amy will look to see if she has anything on the site selection from last year.

7. Hack-A-Way

The group met for three and a half days at the Equinox offices. Attendees came from a wide spectrum; discussion included better testing frameworks, need for more community involvement, move to web sockets. Financially they broke even. NoveList was a sponsor and had somebody attend. Three additional committers were added – Ben Shum from Bibliomation, Jason Stephenson from MVLC, and Jeff Godin from Traverse Area District Library. Mike Rylander was elected release manager for 2.4.

8. DIG Gathering

Kathy reported that the group met at Berklee College of Music in Boston. They went through the different versions of the documentation to see how it could be pulled up to 2.3.

8. Google Summer of Code Doc Sprint Camp

Kathy Lussier explained that this would be a good opportunity to work on documentation. She would like support from the Board for this. The documentation written here would be on FLOSS manuals which are licensed under GNU GPL. The authors retain the copyright. Unless they release it under a CC-BY-SA as well, we leave ourselves vulnerable to potential problems in regard to anyone copying it. Galen suggested that it be made clear that they release it under a CC-BY-SA. Another potential issue could be travel expenses. This should be made clear to those interested in attending. Also, the Board could consider providing travel funding for participants. Galen moved that the Board support DIG’s plan to apply to Google Summer of Code Doc Sprint Camp. Dan Scott seconded. The motion carried.

Open Time

Now that the Board is under the umbrella of the conservancy and has its trademark approved, Galen would like us to pursue grant funding, the writing of grants (e.g., Mellon, IMLS). Elizabeth has some grant writing experience. Steve Wills suggested that we make an appeal to the larger Evergreen community. Elizabeth suggested we determine what we’d like to get funded first, then establish a team of technical writers. These projects could be development projects, infrastructure, usability consultants, etc. Lori could be asked to help determine what the funding agencies would find attractive. Galen suggested we start the brainstorming process for potential projects. For the next Board meeting, a grants sub-committee could be formed. Galen asked Elizabeth to see if she could check with the Evergreen community on what it is they think we should pursue, as well as ask volunteers.

9. Adjourn

The meeting adjourned at 12:58 Eastern time.