



Xen[®] Trademark Policy

The Xen[®] Trademark Policy

Objectives

The *Xen* Trademark Policy has been developed by the *Xen* community and Citrix Systems, Inc. and its subsidiaries ("Citrix") with the goal of achieving four complementary, community- and ecosystem-focused objectives. This Trademark Policy may be updated from time-to-time, and any updates will be posted to the *xen.org* website. The four policy goals are:

1. To ensure that *customers* that acquire products that bear the *Xen* mark receive genuine Faithful Implementations of the *Xen*[®] hypervisor and related technology and services,
2. To ensure that *vendors* that deliver commercial products that Faithfully Implement the *Xen*[®] hypervisor to market can use the *Xen* word mark in association with those products,
3. To maximize interoperability and grow the market opportunities for the independent software vendor (ISV) ecosystem around the *Xen*[®] hypervisor by ensuring a consistent feature set and support for key interfaces, and
4. To ensure that all products and development initiatives bearing the *Xen* mark are of consistent quality, thereby protecting the *Xen* trademark for the *Xen* community and future customers of that community.

Definitions

- The **Xen Marks** include the *Xen* word mark and the *Xen* Logo, both of which may be registered trademarks and/or common law trademarks in the U.S. and in other countries, all of which are owned by Citrix.
- The **Xen AB** is the Xen Advisory Board, which includes key community contributors to the Xen code base and the Xen Project Leader.

- 32 • The **Usage Guidelines** include the Brand Protection Guidelines for Third Parties
33 that are available at www.citrix.com/trademark, in addition to any trademark use
34 guidelines included with this Trademark Policy, which may be changed and
35 amended from time to time by Citrix, with the input of the Xen AB.

- 36 • A **community-focused** offering includes
37
 - 38 • Any software product or code base that contains the genuine *Xen*[®]
39 hypervisor or a subset of the genuine *Xen* code-base and that is
40 distributed without any license fee, for unrestricted and unsupported use
41 by the community, or
 - 42 • Any community-based or non-commercial use of the *Xen*[®] hypervisor,
43 including research into and the publication of research results using the
44 *Xen*[®] hypervisor, or
 - 45 • Any documentation, book, video or other materials that describe or
document the *Xen*[®] hypervisor, whether for fee or not.

- 46 • A **commercial** offering is a product or service that
47
 - 48 • Delivers all or portions of the *Xen*[®] hypervisor to a customer for a fee, or
 - 49 • That offers all or portions of the *Xen*[®] hypervisor as part of a hosted
service for a fee.

- 50 • A **Faithful Implementation** of the *Xen*[®] hypervisor is one that:
51
 - 52 • Is based on the open source *Xen*[®] hypervisor code base, and
 - 53 • Embodies the key features of the *Xen*[®] hypervisor that enable that
54 implementation to pass the so-called Faithful Implementation Test (FIT),
and
 - 55 • Qualifies for use of the *Xen* Word Mark and *Xen* Logo associated with the
56 offering as set out in this Policy pursuant to any additional license(s) and
57 the Usage Guidelines.

- 58 • The **Faithful Implementation Test (FIT)** is a test developed by the *Xen*
59 community and approved by the *Xen* Project Leader and Xen AB that can be
60 used to establish whether any given implementation of the *Xen*[®] hypervisor is a
61 Faithful Implementation.

62 ***Use of Marks Generally***

63 All uses of the Xen Marks must comply with this Policy. Unauthorized use of
64 the Xen Marks is not permitted. In order to exercise and maintain quality control over
65 products and services for which its marks are used, Citrix, acting on behalf of the Xen
66 community, requires strict adherence to this Trademark Policy.

67 Except as expressly permitted in this Trademark Policy, you may not use the Xen
68 Marks on or in connection with your product, or in any other manner that might cause

69 confusion in the marketplace between the source of genuine *Xen*[®] hypervisor
70 technology and your product, or in any way that might lead a consumer or licensee to
71 believe that there is an association, affiliation or sponsoring relationship between your
72 company and Citrix, the Xen community or the Xen AB.

73 At all times, Citrix, acting in the interest of the *Xen* community and in
74 consultation with the Xen AB, reserves all of its rights to review and deny permission to
75 any vendor to use the *Xen* Marks in conjunction with any product or service that fails to
76 abide by the terms of this Trademark Policy and/or Usage Guidelines.

77 **Use of the Xen Marks**

78 As defined above, Citrix and the Xen AB distinguish between (a) a community-
79 focused offering that includes all or portions of the *Xen*[®] hypervisor, and (b) a
80 commercial offering that contains, or supports all or portions of the *Xen*[®] hypervisor.

- 81 • **Community-focused offerings** and Commercial offerings are permitted to use
82 the *Xen* word mark pursuant to this Trademark Policy and the Usage Guidelines,
83 so long as use of the *Xen* Marks truthfully identify the inclusion of or references
84 to Xen technology in such offerings. No written permission is required for such
85 use. However, as specified in the Usage Guidelines, such use may not include
86 use of the *Xen* Marks as product or service names, project names or brands for
87 such offerings.

88 **Marketing & Distributing Commercial Software and Use of the Xen Word Mark**

89 Citrix and the *Xen* community actively endorse the distribution of Faithful
90 Implementations of the *Xen*[®] hypervisor in commercial products and services. If your
91 commercial offering includes a Faithful Implementation of the *Xen*[®] hypervisor (as
92 established by the FIT), then you are permitted to use the *Xen* Word Mark subject to the
93 Usage Guidelines. No written permission is required. Citrix and the Xen AB may
94 evaluate any claims of Faithful Implementation and where necessary, Citrix may
95 withdraw this permission for offerings that do not pass the Faithful Implementation
96 Test.

97 As noted in the Usage Guidelines, you may not in any other way use the name of
98 the *Xen*[®] hypervisor in your product name.

99 **Marketing Commercial Hosting Services under the Xen Trademark**

100 Citrix and the *Xen* community actively endorse the use of the *Xen*[®] hypervisor in
101 commercial hosting environments, in which vendors host *Xen* virtual machines as a
102 service to their customers. If your commercial hosting service offers or uses a Faithful
103 Implementation of the *Xen*[®] hypervisor, then you are permitted to use the *Xen* Word
104 Mark to describe your service, subject to the Usage Guidelines. No written permission
105 is required.

106 Again, as noted in the Usage Guidelines, you may not in any other way use the
107 name of the *Xen*[®] hypervisor in the name of your offering.

108 **Marketing other Commercial Products and Services under the Xen Trademark**

109 In a commercial setting, the *Xen* Word Mark may only be used by vendors that:

- 110 • Deliver or Support the *Xen*[®] hypervisor in a commercial software product,
111 or
- 112 • Offer the *Xen*[®] hypervisor as a commercial hosted service.

113

114 However, if your software product inter-operates with the *Xen*[®] hypervisor, but
115 does not contain the *Xen*[®] hypervisor itself, you may in factual terms state that your
116 product interoperates with the *Xen*[®] hypervisor, provided that such usage otherwise
117 complies with this Trademark Policy and the Usage Guidelines.

118 **Marketing Commercial Products and Services That Meet the FIT Standard**

119 Commercial Implementations that meet the FIT standards described in this
120 Policy are eligible to use the Xen Logo in addition to the *Xen* Word Mark to indicate
121 compliance with the community's standards, subject to the terms of this Policy and the
122 Usage Guidelines below.

123 **Usage Guidelines Pertinent to the Xen Marks**

- 124 1. Users are always permitted to use, nominatively, the word XEN to truthfully refer to
125 the presence of or direct interaction with *Xen*[®] technology in products without
126 permission from Citrix. Nominative uses can include the naming of source and
127 object files and other software components, although such uses must truthfully refer
128 to the presence of or direct interaction with *Xen*[®] technology. Any nominative use
129 of the word XEN must not convey or suggest any sponsorship or endorsement by
130 Citrix, the Xen community or the Xen AB.
- 131 2. All uses of the *Xen* Marks must comply with these Usage Guidelines (in addition to
132 any other license terms that may apply). See also Citrix's Brand Protection
133 Guidelines for Third Parties available at www.citrix.com/trademark.
- 134 3. All uses of the *Xen* Marks, whether commercial or community-focused, must
135 identify the marks as being trademarks of Citrix Systems, Inc. The following text
136 should appear on any packaging, any collection of screen shots, or in documentation
137 accompanying any community-focused implementation using the *Xen* code base
138 that is not FIT-compliant:

139 *The Xen[®] mark is a trademark of Citrix Systems, Inc., which manages the mark on behalf of the Xen open*
140 *source community. The Xen[®] mark is registered with the U.S. Patent and Trademark Office, and may*
141 *also be registered in other countries. Use of the Xen[®] mark on this product is not necessarily an*
142 *indication of a relationship between or endorsement by Citrix Systems, Inc., the Xen community, or the*

143 *Xen Advisory Board and the developers of this product, nor is it an indication that this product meets all*
144 *the criteria for a “Faithful Implementation” of the Xen® hypervisor set out at www.xen.org.*

145 4. All uses of the **Xen** Marks are reviewable by Citrix who, acting in the interests of the
146 **Xen** community and in the interests of protecting the value of the **Xen** Marks
147 themselves, expressly reserves the right to revoke permission to use the **Xen** Marks.

148 5. The designation **Xen**® may be used to refer descriptively and truthfully to a **Xen**-
149 based implementation or incorporation of genuine **Xen**® open source code base,
150 without an express license from Citrix, provided that the **Xen** Word Mark is not
151 larger or more prominent than the rest of the surrounding text, the **Xen** Logo is not
152 used, and proper marking and attribution is used (as set out above) indicating that
153 any third party goods or services are not sponsored or endorsed by, or in any other
154 way associated with, Citrix, the **Xen** community or the Xen AB.

155 6. Commercial Implementations that meet the FIT standards described in this Policy
156 are eligible to use the **Xen** Logo in addition to the **Xen** Word Mark to indicate
157 compliance with the community’s standards. Any usage of the **Xen** Logo or the **Xen**
158 Word Mark on Commercial Implementations to indicate FIT compliance must be
159 accompanied by the following legend:

160 *The Xen® logo and the Xen® mark are trademarks of Citrix Systems, Inc., which manages the mark on*
161 *behalf of the Xen open source community. Both marks may be registered with the U.S. Patent and*
162 *Trademark Office, and may also be protected in other countries. No relationship, association or*
163 *endorsement between Citrix, the Xen community or the Xen Advisory Board and the developer of this*
164 *product is either intended or implied.*

165 7. Commercial Implementations that meet the FIT standards may also use the
166 following legend on products or product documentation:

167 *The use of the Xen® mark or logo on this product indicates that this product meets the Xen Community’s*
168 *quality and interoperability criteria for a Faithful Implementation of the Xen® hypervisor. No other*
169 *relationship, association or endorsement between Citrix, the Xen community or the Xen Advisory Board*
170 *and the developer of this product is either intended or implied.*

171 8. You may not use the **Xen** Marks as all or any portion of your product or service
172 name or trademark without the express prior consent of Citrix. Do not combine
173 “**Xen**” with your product or service name. Do not hyphenate **Xen** with your product
174 name to create a new product or service name or mark.

175 9. Under no circumstances should you imply, through your use of the **Xen** Mark, that the
176 **Xen**® hypervisor is the creation of your organization. Use of the **Xen** Mark may be included
177 on packaging and promotion to indicate the presence of **Xen**® code, compliance with the FIT
178 criteria (if accurate), and/or interoperability with the **Xen**® hypervisor*. For example:

179 **Incorrect:** My Product Name-XEN Hypervisor (e.g., the XenMagic Hypervisor)

180 **Incorrect:** My Company Name XEN Hypervisor (e.g., the Magic Xen Hypervisor)

181 **Incorrect:** MyService includes [My Service Name]**Xen** virtual machine hosting

182 **Correct:** [My Product Name] including, based upon or compatible with*the **Xen**® hypervisor

183 **Correct:** [My Product Name] Fully Xen® Based- FIT/Compliant.*

185 ***Use of the Xen Logo***

186 Vendors or communities that offer a Faithful Implementation of the *Xen*[®]
187 hypervisor to customers in their products or hosted services automatically qualify for a
188 royalty free, revocable, non-sublicensable license to use a version of the *Xen* Logo
189 associated with their Faithful Implementation on their product, service collateral or web
190 site, if they wish. This license is automatically granted to any product that passes the
191 FIT, subject to the requirement that the *Xen* Marks are used according to the Usage
192 Guidelines and this Trademark Policy. To learn more about the *Xen* Logo program and
193 the license terms, please see the *Xen* Trademark FAQs.

194 ***Have we got this right?***

195 It is possible that your use of the *Xen*[®] hypervisor may impose specific
196 implementation requirements that are not covered by this policy. Citrix actively solicits
197 feedback from the community to enable us to refine this policy with the goal of
198 promoting the broad commercial distribution of *Xen*-branded, Faithful
199 Implementations of the *Xen*[®] hypervisor and broad community distribution of
200 community-focused, possibly non-Faithful Implementations of the *Xen*[®] hypervisor for
201 all community related purposes. Please contact us at legal@xen.org should you wish to
202 offer feedback or send questions to the Xen AB.

203

204 **Policy FAQs**

205 ***What is a Trademark?***

206 A trademark is a word, phrase, symbol, logo, or design, or a combination of
207 those things, that distinguishes one company's products and services from the products
208 and services of another. Examples of trademarks include Red Hat[®], Fedora Core[™], and
209 MySQL[®] for software products and related services. Although a trademark is a symbol
210 of the source of a product or service, a trademark is not the product or service itself. A
211 trademark also is not the same as a copyright or a patent.

212 ***Why are Trademarks and Trademark Enforcement Important?***

213 Trademarks are important because they help to prevent confusion in the
214 marketplace by distinguishing the products and services of one company, person or
215 group from the products and services of another company, person or group. We use
216 the *Xen* trademark to distinguish Faithful Implementations of the product of the *Xen*
217 open source community - the *Xen*[®] hypervisor - from other hypervisor products on the
218 market.

219 ***How does the GNU General Public License (“GPL”) affect the Xen Marks?***

220 Citrix is a committed supporter of the open source development model. This
221 support is perhaps most evident in Citrix’s open development and other support of the
222 *Xen*® hypervisor, which is made available under the terms and conditions of the GPL.

223 Although the GPL permits third parties to copy, modify and redistribute any
224 portion of the software, the GPL does not grant any license or right to use the *Xen*
225 Marks in connection with the redistribution of that software. Thus, although a GPL
226 licensee may redistribute the underlying *Xen*-based software in accordance with the
227 terms and conditions of the GPL, a GPL licensee may not use the *Xen* trademark or any
228 other Citrix trademark when doing so except as expressly permitted by this Trademark
229 Policy or as may be permitted in writing by Citrix.

230 ***What is the role of the Community and Xen AB?***

231 Citrix manages the *Xen* trademark on behalf of the *Xen* community - all criteria
232 that specify the required features and/or interfaces of a Faithful Implementation of *Xen*,
233 and the criteria established for granting of a license to use the *Xen* Mark are established
234 by Citrix, working with the *Xen* open source community and the Xen AB.

235 ***What is the Difference between Open Source Development and Open Source***
236 ***Products?***

237 The open source development model used by the *Xen* development community
238 relies on the continual exchange and distribution of code for and developing versions of
239 the community’s work-product - the *Xen*® hypervisor - between the participants in the
240 community, independent of their organizational affiliation. This activity is distinct
241 from and independent of any vendor-specific commercial products and services that
242 incorporate a version of the *Xen*® hypervisor within a commercial offering delivered to
243 market. In particular, the free exchange of open source *Xen* implementations by
244 community members lacks any notion of competition, since the community clearly
245 collaborates to develop and test the *Xen* hypervisor. We therefore distinguish between
246 two types of activity that result in the distribution of the *Xen*® hypervisor, namely
247 commercial activity and community-focused/community-related activity.

248 The community’s activities in distributing versions of the *Xen*® hypervisor,
249 whether for development, testing, or other community-focused purposes, are
250 intentionally excluded from the significant branding-related considerations that apply
251 to commercial uses of the *Xen* hypervisor. However, in order to protect community-
252 focused offerings and activities, minimal requirements for community-focused use of
253 the *Xen* marks are set forth in the Trademark Policy and Usage Guidelines. Commercial
254 products that qualify for use of the *Xen*® brand must meet the specified criteria for
255 quality, feature set and reliability of the *Xen*® hypervisor stipulated by the Xen AB.

256 Community -focused versions of the hypervisor need not manifest the same
257 features or quality that a commercial offering would, and are exempt from all
258 requirements in terms of the Xen brand - at any point in time a community
259 implementation may be known as Xen, but because it is not a commercial product, there
260 is little concern with confusing a customer. Moreover, since community work product
261 is freely distributed, for the purposes of evaluation, development and testing, there is
262 little chance of confusion with a commercially branded, for fee product. At the same
263 time, the *Xen* community has established a clear set of criteria that establish the quality
264 and features that a commercial implementation of the *Xen*[®] hypervisor in a vendor's
265 product should offer, in order to qualify for use of the *Xen* brand to indicate FIT
266 compliance.

267 ***In the past Xen Community Members have routinely combined XEN with their own***
268 ***names and marks. Why the shift now?***

269 Historically, before becoming a part of Citrix, XenSource did allow non-
270 commercial offerings to refer to themselves using *Xen*[®] in myriad ways, provided that
271 the suggestion was that the work identified the presence of *Xen*[®] technology in the
272 work. However, because of a desire to avoid confusing customers, and to preserve the
273 *Xen* Marks for all community members going forward, no other commercial or non-
274 commercial software products can be called "Xen____," (or any other similar
275 appellation) without the express written permission of Citrix.