



## **Xen<sup>®</sup> Trademark Policy**

### **The Xen<sup>®</sup> 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<sup>®</sup>** hypervisor and related technology and services,
2. To ensure that *vendors* that deliver commercial products that Faithfully Implement the **Xen<sup>®</sup>** 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<sup>®</sup>** 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.
- The **Usage Guidelines** include the Brand Protection Guidelines for Third Parties that are available at [www.citrix.com/trademark](http://www.citrix.com/trademark), in addition to any trademark use guidelines included with this Trademark Policy, which may be changed and amended from time to time by Citrix, with the input of the Xen AB.

- A **community-focused** offering includes
  - Any software product or code base that contains the genuine **Xen**<sup>®</sup> hypervisor or a subset of the genuine **Xen** code-base and that is distributed without any license fee, for unrestricted and unsupported use by the community, or
  - Any community-based or non-commercial use of the **Xen**<sup>®</sup> hypervisor, including research into and the publication of research results using the **Xen**<sup>®</sup> hypervisor, or
  - Any documentation, book, video or other materials that describe or document the **Xen**<sup>®</sup> hypervisor, whether for fee or not.
- A **commercial** offering is a product or service that
  - Delivers all or portions of the **Xen**<sup>®</sup> hypervisor to a customer for a fee, or
  - That offers all or portions of the **Xen**<sup>®</sup> hypervisor as part of a hosted service for a fee.
- A **Faithful Implementation** of the **Xen**<sup>®</sup> hypervisor is one that:
  - Is based on the open source **Xen**<sup>®</sup> hypervisor code base, and
  - Embodies the key features of the **Xen**<sup>®</sup> hypervisor that enable that implementation to pass the so-called Faithful Implementation Test (FIT), and
  - Qualifies for use of the **Xen** Word Mark and **Xen** Logo associated with the offering as set out in this Policy pursuant to any additional license(s) and the Usage Guidelines.
- The **Faithful Implementation Test (FIT)** is a test developed by the **Xen** community and approved by the **Xen** Project Leader and Xen AB that can be used to establish whether any given implementation of the **Xen**<sup>®</sup> hypervisor is a Faithful Implementation.

## ***Use of Marks Generally***

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

Except as expressly permitted in this Trademark Policy, you may not use the Xen Marks on or in connection with your product, or in any other manner that might cause confusion in the marketplace between the source of genuine **Xen**<sup>®</sup> hypervisor technology and your product, or in any way that might lead a consumer or licensee to believe that there is an association, affiliation or sponsoring relationship between your company and Citrix, the Xen community or the Xen AB.

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

## **Use of the Xen Marks**

As defined above, Citrix and the Xen AB distinguish between (a) a community-focused offering that includes all or portions of the **Xen**<sup>®</sup> hypervisor, and (b) a commercial offering that contains, or supports all or portions of the **Xen**<sup>®</sup> hypervisor.

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

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

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

As noted in the Usage Guidelines, you may not in any other way use the name of the **Xen**<sup>®</sup> hypervisor in your product name.

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

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

Again, as noted in the Usage Guidelines, you may not in any other way use the name of the **Xen**<sup>®</sup> hypervisor in the name of your offering.

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

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

- Deliver or Support the **Xen**<sup>®</sup> hypervisor in a commercial software product, or
- Offer the **Xen**<sup>®</sup> hypervisor as a commercial hosted service.

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

## Marketing Commercial Products and Services That Meet the FIT Standard

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

### Usage Guidelines Pertinent to the Xen Marks

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

*The Xen<sup>®</sup> mark is a trademark of Citrix Systems, Inc., which manages the mark on behalf of the Xen open source community. The Xen<sup>®</sup> mark is registered with the U.S. Patent and Trademark Office, and may also be registered in other countries. Use of the Xen<sup>®</sup> mark on this product is not necessarily an indication of a relationship between or endorsement by Citrix Systems, Inc., the Xen community, or the Xen Advisory Board and the developers of this product, nor is it an indication that this product meets all the criteria for a "Faithful Implementation" of the Xen<sup>®</sup> hypervisor set out at [www.xen.org](http://www.xen.org).*

4. All uses of the **Xen** Marks are reviewable by Citrix who, acting in the interests of the **Xen** community and in the interests of protecting the value of the **Xen** Marks themselves, expressly reserves the right to revoke permission to use the **Xen** Marks.
5. The designation **Xen**<sup>®</sup> may be used to refer descriptively and truthfully to a **Xen**- based implementation or incorporation of genuine **Xen**<sup>®</sup> open source code base, without an express license from Citrix, provided that the **Xen** Word Mark is not larger or more prominent than the rest of the surrounding text, the **Xen** Logo is not used, and proper marking and attribution is used (as set out above) indicating that any third party goods or services are not sponsored or endorsed by, or in any other way associated with, Citrix, the **Xen** community or the Xen AB.
6. Commercial Implementations that meet the FIT standards described in this Policy are eligible to use the **Xen** Logo in addition to the **Xen** Word Mark to indicate compliance with the community's standards. Any usage of the **Xen** Logo or the **Xen** Word Mark on Commercial Implementations to indicate FIT compliance must be accompanied by the following legend:

*The Xen<sup>®</sup> logo and the Xen<sup>®</sup> mark are trademarks of Citrix Systems, Inc., which manages the mark on behalf of the Xen open source community. Both marks may be registered with the U.S. Patent and Trademark Office, and may also be protected in other countries. No relationship, association or endorsement between Citrix, the Xen community or the Xen Advisory Board and the developer of this*

*product is either intended or implied.*

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

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

8. You may not use the **Xen** Marks as all or any portion of your product or service name or trademark without the express prior consent of Citrix. Do not combine "Xen" with your product or service name. Do not hyphenate **Xen** with your product name to create a new product or service name or mark.
9. Under no circumstances should you imply, through your use of the **Xen** Mark, that the **Xen**<sup>®</sup> hypervisor is the creation of your organization. Use of the **Xen** Mark may be included on packaging and promotion to indicate the presence of **Xen**<sup>®</sup> code, compliance with the FIT criteria (if accurate), and/or interoperability with the **Xen**<sup>®</sup> hypervisor\*. For example:

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

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

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

**Correct:** [My Product Name] including, based upon or compatible with\*the **Xen**<sup>®</sup> hypervisor

**Correct:** [My Product Name] Fully Xen<sup>®</sup> Based- FIT/Compliant.\*

*\*(as applicable)*

## **Use of the Xen Logo**

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

## **Have we got this right?**

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

## Policy FAQs

### ***What is a Trademark?***

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

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

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

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

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

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

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

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

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

The open source development model used by the **Xen** development community relies on the continual exchange and distribution of code for and developing versions of the community's work-product - the **Xen**® hypervisor – between the participants in the community, independent of their organizational affiliation. This activity is distinct from and independent of any vendor-specific commercial products and services that incorporate a

version of the **Xen**<sup>®</sup> hypervisor within a commercial offering delivered to market. In particular, the free exchange of open source Xen implementations by community members lacks any notion of competition, since the community clearly collaborates to develop and test the Xen hypervisor. We therefore distinguish between two types of activity that result in the distribution of the **Xen**<sup>®</sup> hypervisor, namely commercial activity and community-focused/community-related activity.

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

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

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

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