

ChiliProject - Task # 145: Legal entity to manage assets

Status:	Open	Priority:	Normal
Author:	Holger Just	Category:	ChiliProject - Organization
Created:	2011-02-04	Assignee:	
Updated:	2011-02-05	Due date:	
Remote issue URL:			
Description:			
Common assets (like domains, servers, trademarks, domains, donated money) should be handled by a legal entity external from any developer. This has a few advantages:			
* None of the staff can just walk away with any assets			
* Handling is open and transparent			
* We gain from being part of a registered non-profit organization.			
Setting this up ourselves is a huge task which should probably be postponed to later (or never). Instead I propose we join an existing organization to handle all these assets for us. Possible candidates could be:			
* http://softwarefreedom.org/services/			
* "Software Freedom Conservancy": http://sfconservancy.org/			
This in line with our stated goal to [[Objectives_and_Goals#Goal-Manage-project-assets Manage project assets]] .			

History

2011-02-04 04:06 pm - Muntek Singh

> * <http://softwarefreedom.org/services/>

> * "Software Freedom Conservancy":<http://sfconservancy.org/>

We could actually do both, and just be done with all the hard bits very easily. Get SFLC to advise us on all the legal stuff, and as they are partners with SFC, get everything in place to join SFC and get the protections and services they offer. I'm on board for this.

The alternative would be to setup our own legal 501(3)c etc. Which of course is a definite option, which I am willing to do some legwork for sure. Be aware it can take 6-9 months to fully complete the process, and it's not uncommon to take up a year without some dedicated person taking care of everything. (I have done this twice in the past)

2011-02-05 02:04 am - Matthew Connerton

I don't think setting up a non-profit is going to be quite as daunting as people thing. And it doesn't necessarily have to be a 501c(3), there are other types that might work as well.

I am leading a team that is doing this exact thing (setting up a non profit for an open source software group) here in North Carolina, USA this month. I will be sure to update on what and how we did it.

2011-02-05 11:05 am - Felix Schäfer

Matthew Connerton wrote:

> I don't think setting up a non-profit is going to be quite as daunting as people thing.

The advantage I see in "outsourcing" this is that IANAL, and I don't think any of the other contributors are, and not having to deal with the legalese, however "not complicated " it is (it always gets complicated somewhere down the road, the copyright discussion for exampleâ€¦), is one less thing to take care of.

2011-02-05 12:16 pm - deleted deleted

SFC would be good imho, but it's probably too early to join. From their "apply":<http://sfconservancy.org/members/apply/> page:

> The project should have an existing, vibrant, diverse community that develops and documents the software. For example, projects that have been under development for less than a year or only a "proof of concept" implementation are generally not eligible.

Maybe a stated intend to apply for joining in a year would be sufficient for now. And until then the assets would be managed jointly by the 'ChiliProject team'.

2011-02-05 01:28 pm - Fabian Buch

Jenkins is in the process of forking Hudson at the moment. They're transferring the trademark rights of Jenkins to SFC. Maybe some decisions they made can help Chiliprojects forking process. More on Hudson->Jenkins: <http://jenkins-ci.org/content/hudsons-future>

2011-02-05 02:05 pm - Matthew Connerton

Felix Schäfer wrote:

> The advantage I see in "outsourcing" this is that IANAL, and I don't think any of the other contributors are, and not having to deal with the legalese, however "not complicated " it is (it always gets complicated somewhere down the road, the copyright discussion for example), is one less thing to take care of.

I can completely understand that. I'm just pulling from my experience (and personal opinion) with other FOSS projects where they have created their own non-profit organizations or associations. Then again the SFC does sound like a fantastic idea as well to save time/money/effort. IMHO I would love to see a "Chili Project Association" that manages the project :-)

Hans-Peter Suter wrote:

> Maybe a stated intend to apply for joining in a year would be sufficient for now. And until then the assets would be managed jointly by the 'ChiliProject team'.

According to their apply page (<http://www.sfconservancy.org/members/apply/>) the earliest we could apply is not until September. Unless someone wanted to step up and lead the organization of a non-profit in the next 7 weeks (which I still think we should see if someone wants to lead) then the project leaders/team can manage the assets/copyright until we can apply to SFC. I'm sure 7 months is enough time to pull a major release and documentation required.

Last tidbit from their apply page:

> We fully expect that some Conservancy projects will ultimately wish to form their own non-profit 501(c)(3) organizations; that's why we design our agreements with projects to allow them to leave to another 501(c)(3) organization. Typically, projects join Conservancy because the project leaders don't want the burdens of running a non-profit themselves. Often, as projects grow, leaders get interested in the non-profit management and organizational side of the activities and are then prepared to take on the additional work themselves.