

Legal

July 2017 quarterly check-in



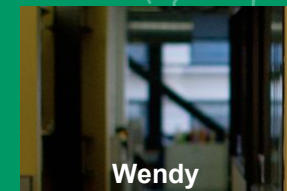
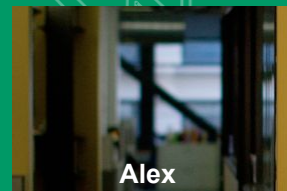
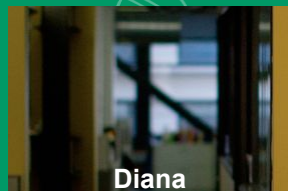
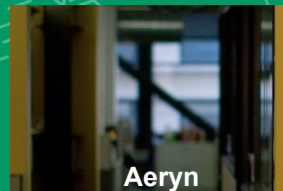
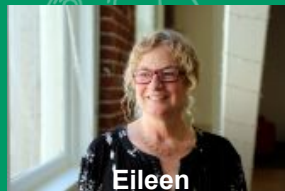
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LEGAL TEAM



Here are the areas we'll discuss today

Trademarks

Defending
Content &
Users

Public
Policy

Privacy &
Security

Talent &
Culture
Support

Contracts

Training

Board
Support

Licensing

Trademarks

July 2017

Legal

1

GOAL: Protect project trademarks

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Maintain and defend <i>project</i> marks worldwide	LAST QUARTER	
	<ul style="list-style-type: none"> - Jones Day (our outside trademark counsel who helps maintain registrations worldwide) - MarkMonitor (service provider for identifying infringement and managing domains) 	<ul style="list-style-type: none"> - 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	
	<ul style="list-style-type: none"> - Jones Day - MarkMonitor 	<ul style="list-style-type: none"> - Same

STATUS: OBJECTIVE IN PROGRESS

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 <i>Foundation</i> trademarks worldwide	LAST QUARTER	
	<ul style="list-style-type: none"> - Jones Day (our outside trademark counsel who helps maintain registrations worldwide) - MarkMonitor (service provider for identifying infringement and managing domains) 	<ul style="list-style-type: none"> - 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	
	<ul style="list-style-type: none"> - Jones Day - MarkMonitor 	<ul style="list-style-type: none"> - Same

STATUS: OBJECTIVE IN PROGRESS

July 2017

Legal

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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)	- Continue to advise 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

STATUS: OBJECTIVE IN PROGRESS

July 2017

Legal

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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)	- Continue reviewing license requests and draft licenses as appropriate to allow mission-aligned uses of the marks

STATUS: OBJECTIVE IN PROGRESS

July 2017

Legal

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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	
	<ul style="list-style-type: none"> - freelance job sites - MarkMonitor (service provider for identifying infringement and managing domains) 	<ul style="list-style-type: none"> - Continued to streamline takedowns with freelance job sites to reduce paid editing on the projects - Sent cease and desist letters to those misusing Wikimedia trademarks
	NEXT QUARTER	
	<ul style="list-style-type: none"> - freelance job sites - MarkMonitor 	<ul style="list-style-type: none"> - Build relationships with additional freelance job sites to curb paid editing - Continue to send cease and desist letters to curb misuse of trademarks

STATUS: OBJECTIVE IN PROGRESS

Defending content & community members

July 2017

Legal**2****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	
	<ul style="list-style-type: none"> - SuSa - Outside counsel 	<ul style="list-style-type: none"> - 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	
	<ul style="list-style-type: none"> - SuSa - Outside counsel 	<ul style="list-style-type: none"> - Same

STATUS: OBJECTIVE IN PROGRESS

July 2017

Legal**5**

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 (Part I)	LAST QUARTER	
	<ul style="list-style-type: none"> - SuSa - Outside counsel (on occasion) - Comms (on occasion) 	<ul style="list-style-type: none"> - Carefully evaluated all requests to remove/alter content or for nonpublic user info and pushed back in inappropriate cases

July 2017

Legal**5**

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 (Part II)	NEXT QUARTER	
	<ul style="list-style-type: none"> - SuSa - Outside counsel (on occasion) - Comms (on occasion) 	<ul style="list-style-type: none"> - Continue to carefully evaluate all requests to remove/alter content or for nonpublic user info and push back in inappropriate cases

STATUS: OBJECTIVE IN PROGRESS

July 2017

Legal**3**

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?
Defend litigation that threatens the community-centric model	LAST QUARTER	
	<ul style="list-style-type: none"> - CE - Outside Counsel - Comms 	<ul style="list-style-type: none"> - Continued defending litigation from outside parties that threatens the independence of the Wikimedia Communities
	NEXT QUARTER	
	<ul style="list-style-type: none"> - CE - Outside Counsel - Comms 	<ul style="list-style-type: none"> - Same

STATUS: OBJECTIVE IN PROGRESS

July 2017

Legal**3**

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?
<p>Pursue advocacy litigation, opportunities for amicus briefs, and press to protect the community-centric model (Unplanned workflow) (Part I)</p>	<p>LAST QUARTER</p> <ul style="list-style-type: none"> - CE - Outside Counsel - Comms 	<ul style="list-style-type: none"> - Decision in <i>Wikimedia v. NSA</i> in US Court of Appeals: WMF alone among plaintiffs has standing to proceed with the case; working with ACLU on next steps - Update on RTBF intervention in France: case likely to be referred to the ECJ - Google lost in <i>Equustek v. Google</i>, in Canada, with the court issuing a worldwide order requiring Google to de-list content, despite Google's concerns with international conflicts of law and the concerns that we and others raised about chilling free speech and access to knowledge, and burdening intermediaries. We made these arguments both in our intervention to the court and with the Canadian public (via Op-ed in the <i>Globe and Mail</i>).

July 2017

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Legal

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?
<p>Pursue advocacy litigation, opportunities for amicus briefs, and press to protect the community-centric model (Unplanned workflow) (Part II)</p>	<p>LAST QUARTER</p> <ul style="list-style-type: none"> - CE - Outside Counsel - Comms 	<ul style="list-style-type: none"> - Joined two amicus briefs in support of platform immunity and free speech, in cases regarding CDA 230 and the DMCA - Joined coalitions of other tech companies/organizations on an amicus brief filed in two cases supporting challenges to recent travel/immigration-related U.S. government executive orders

July 2017

Legal**3**

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) (Part III)	<p>NEXT QUARTER</p> <ul style="list-style-type: none"> - CE - Outside Counsel - Comms 	<ul style="list-style-type: none"> - Continue public advocacy on key areas of the law that support the editorial discretion of the Wikimedia communities

STATUS: OBJECTIVE IN PROGRESS

July 2017

Legal**5**

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	
	- Various teams	- Prep for upcoming report
	NEXT QUARTER	
	- Various teams	- Publish new report covering Jan - June 2017

STATUS: OBJECTIVE IN PROGRESS

Public Policy

July 2017

Legal

4

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	- Sent regular newsletter to inform the communities and allies about our policy work
	NEXT QUARTER	
	- Comms - Admin & OIT	- Host the next Free Open Shared speaker to raise awareness of a public policy issue related to free knowledge - Host public policy meetup with community and other organizations at Wikimania

STATUS: OBJECTIVE IN PROGRESS

July 2017

Legal

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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 I)	LAST QUARTER	
	<ul style="list-style-type: none"> - Comms - Travel 	<ul style="list-style-type: none"> - Published blog post about problems that mandatory upload filters would cause in the context of European copyright reform - Published blog post about the need to safeguard the public domain in the context of European copyright reform - Published blog post about favorable court ruling in <i>Wikimedia Foundation v. NSA</i> explaining effects of mass surveillance

July 2017

Legal**4****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)	LAST QUARTER	<ul style="list-style-type: none"> - Provided community members with resources to talk to European lawmakers about copyright (FAQ) - Provided support for community campaigns for copyright reform in Australia and South Africa - Coordinated and supported participation of Wikimedia community member in EuroDIG panel on copyright reform (in Estonia)
	<ul style="list-style-type: none"> - Comms - Travel - Community Engagement 	

July 2017

Legal**4****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	<ul style="list-style-type: none"> - Publish a biannual update to the public policy site to ensure it reflects the most recent developments (moved from Q4 to Q1) - Publish policy resource on non-commercial clauses to provide a clear, accessible explanation of why adding it to new copyright exceptions is harmful for free knowledge (moved from Q4 to Q1) - Submit comments on Database Directive to EU Commission (in collaboration with community members)

STATUS: OBJECTIVE IN PROGRESS

July 2017

Legal**4****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 network and awareness of WMF policy efforts (Part I) (Unplanned workflow)	LAST QUARTER	
	<ul style="list-style-type: none"> - Comms - Travel 	<ul style="list-style-type: none"> -Commenced the Wikimedia-Yale Law School Initiative on Intermediaries and Information (WIII) to focus on intermediary liability issues - Participated in Iberoconf 2017 in Buenos Aires and discussed ways to improve collaboration around public policy with community members - Participated in Creative Commons Global Summit to foster our relationship with their movement and discuss our views on free licensing - Berkman-Klein censorship study published

July 2017

Legal

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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?
Expand policy network and awareness of WMF policy efforts (Part II) (Unplanned workflow)	NEXT QUARTER	
	<ul style="list-style-type: none"> - Comms - Travel 	<ul style="list-style-type: none"> - Join Global Network Initiative / Network of Centers to bring the free knowledge perspective into one of these diverse networks (moved from Q4 to Q1)

STATUS: OBJECTIVE IN PROGRESS

July 2017

Legal

4

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?
Delivery of anti-censorship toolkit to aid community to avoid gov't and other censorship. (Unplanned objective)	LAST QUARTER	
	NEXT QUARTER	
	-Civil liberties organizations, censorship researchers, and at-risk communities	- Develop anti-censorship initiatives to aid and empower our communities around the world (moved from Q4 to Q1)

STATUS: OBJECTIVE IN PROGRESS

Core: Privacy & Security

July 2017

Legal

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	
	<ul style="list-style-type: none"> - Audiences - CE - Security - Tech 	<ul style="list-style-type: none"> - Drafted, enacted, and ensured compliance with best practices for privacy

July 2017

Legal

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 II)	NEXT QUARTER	
	<ul style="list-style-type: none"> - Audiences - Tech - Security 	<ul style="list-style-type: none"> - Draft, enact, and ensure compliance with best practices for privacy

STATUS: OBJECTIVE IN PROGRESS

July 2017

Legal

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 (Part I)	LAST QUARTER	
	- CE	- Provided information about our privacy practices to community members and the public

July 2017

Legal

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 (Part II)	NEXT QUARTER	
	<ul style="list-style-type: none"> - Advancement - CE - Fundraising Tech 	<ul style="list-style-type: none"> - Continue to provide information about our privacy practices to community members and the public

STATUS: OBJECTIVE IN PROGRESS

July 2017

Legal

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	
	<ul style="list-style-type: none"> - Tech - OIT - Security 	<ul style="list-style-type: none"> - Drafted, enacted, and ensured compliance with best practices for security
	NEXT QUARTER	
	<ul style="list-style-type: none"> - OIT - Security - Tech 	<ul style="list-style-type: none"> - Draft, enact, and ensure compliance with best practices for security

STATUS: OBJECTIVE IN PROGRESS

Core: Contracts

July 2017

Legal

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?
Negotiate, review, and approve contracts the Foundation signs	LAST QUARTER	
	<ul style="list-style-type: none"> - All departments needing contracts - Outside vendors 	<ul style="list-style-type: none"> - Protected WMF and minimized risk through contractual agreements
	NEXT QUARTER	
	<ul style="list-style-type: none"> - All departments needing contracts - Outside vendors 	<ul style="list-style-type: none"> - Continue to protect WMF and minimize risk through contractual agreements

STATUS: OBJECTIVE IN PROGRESS

Core: Training

July 2017

Legal

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	
	N/A	- No trainings delivered this quarter.
	NEXT QUARTER	
	All staff	- Beginning plans for training to be offered in a future quarter.

STATUS: OBJECTIVE IN PROGRESS

Core: Board

July 2017

Legal

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?
Support the Board of Trustees	LAST QUARTER	
	<ul style="list-style-type: none"> - ED - Governance Committee - Finance 	<ul style="list-style-type: none"> - Supported scheduled Board meetings in June (online) - Supported approval of the Annual Plan, Revised Document Retention Policy, FDC Recommendations, additional \$5m transfer to the Endowment, and the new Advisory Board - Published updated Board Handbook (with input from the Governance Committee)
	NEXT QUARTER	
	<ul style="list-style-type: none"> - ED - Governance Committee 	<ul style="list-style-type: none"> - Support Board meetings in August (Wikimania) - Administrative onboarding for one potential community-elected Trustee and possible additional appointed Trustees

STATUS: OBJECTIVE IN PROGRESS

July 2017

Legal

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?
Support the Board recruitment	LAST QUARTER	
	<ul style="list-style-type: none"> - ED - Governance Committee - T&C - Comms 	<i>None</i>
	NEXT QUARTER	
	<ul style="list-style-type: none"> - ED - Governance Committee - T&C 	<i>None</i>

STATUS: OBJECTIVE IN PROGRESS

Core: Licensing



July 2017

Legal

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	
	<ul style="list-style-type: none"> - CE - Comms - Reading (desktop, mobile web, and apps) 	<i>Delayed</i>
	NEXT QUARTER	
	<ul style="list-style-type: none"> - Comms - Reading (desktop, mobile web, and apps) 	- Announcing and implementing the upgrade to CC 4.0 (delayed to Q2)

STATUS: OBJECTIVE IN PROGRESS

Core: General Support

July 2017

Legal

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 general advice and support to other departments	LAST QUARTER	
	<ul style="list-style-type: none"> - Advancement - Comms - Finance and Administration - Audiences - Tech - CE - Partnerships 	Conducted thorough research and provide pragmatic legal and policy advice to all teams as needed, for example: <ul style="list-style-type: none"> • Reviewed media inquiries with legal components • Provided product counseling • Worked with Community Resources and Finance on alternate wording for cross-year grant agreements
	NEXT QUARTER	
	Same	Same

STATUS: OBJECTIVE IN PROGRESS