



Gimel Foundation gGmbH i.G.
GiFo-Request for Comments: 0080
Obsoletes: -
Category: Best Current Practice

Bjørn Baunbæk

1. July 2025 (effective date)

Legal Provisions for the Gimel Foundation

Introduction

Gimel Foundation aims at a more inclusive, fair and just global digital economy, including helping to achieve U.N. SDGs. The establishment of the Gimel Foundation marks an important step in the advancement of collaborative and open initiatives. As the Foundation begins its journey, it is essential to articulate legal provisions that govern its operations, protect its assets, and uphold its mission. In building these provisions, the Gimel Foundation Legal Provisions (GFLP) offer a robust model for transparency, stewardship, and the responsible management of intellectual property. This document tailors its principles to the mandate and aspirations of the Gimel Foundation.

Purpose and Scope

The Gimel Foundation Legal Provisions (GFLP) of the Gimel Foundation are designed to:

- Define the roles and responsibilities of trustees, contributors, beneficiaries, and stakeholders.
- Ensure the proper management and protection of the Foundation's intellectual property assets.
- Promote openness, collaboration, and non-discriminatory access to Foundation materials.
- Support the Foundation's mission to advance education, research, and public benefit, including tech sovereignty.
- Facilitate the Foundation's vision of a democratic set up.
- Establish mechanisms for dispute resolution, governance, and amendment of provisions.

Governance Structure

The Gimel Foundation contributions shall be governed by a Board of Trustees, whose responsibilities include:

- Serving as stewards for all assets and intellectual property held of the Foundation.
- Overseeing compliance with the legal provisions set forth in this document.
- Promoting the Foundation's mission and ensuring the integrity of its operations.
- Appointing committees or working groups to address specific legal, operational, or technical matters.
- Reporting annually to stakeholders about the Foundation's activities and compliance.

Appointment and Removal of Trustees

Trustees are appointed by the founding members of the Gimel Foundation and shall serve terms as specified in the Foundation's bylaws. Trustees may be removed for cause, including misconduct, breach of fiduciary duty, or incapacity, following procedures outlined herein.

Decision-Making Processes

All decisions with respect to contributions to the foundation shall be made by majority vote of the Board of Trustees, with clear records maintained of all proceedings.

Other decisions including amendments to legal provisions, disposition of assets, and changes in governance are at the sole discretion of the founding members in line with the charter of the Gimel Foundation.

Intellectual Property Management

Inspired by the GFLT, the Gimel Foundation asserts the following principles regarding intellectual property (IP):

Ownership of Materials

Any material developed, published, or distributed under the auspices of the Gimel Foundation shall be held in trust for the benefit of the public and the Foundation's stakeholders.

Authors and contributors retain copyright in their work, but grant the Foundation an perpetual, irrevocable, worldwide, royalty-free license to use, reproduce, modify, and distribute such materials for the furtherance of its mission.

Materials provided to the Foundation may be accompanied by open licenses (such as Apache 2.0 or similar), as agreed upon by Board of Trustees of the Foundation.

Trademarks and Branding

All trademarks, service marks, and logos used by the Gimel Foundation are protected and managed by the Board of Trustees.

The use of the Foundation's branding by external parties requires explicit permission, except for fair use in reporting and commentary.

Patents

The Foundation shall not seek to acquire patents for inventions or processes, except where necessary to protect public access or prevent misuse.

Contributors are encouraged to disclose any patent claims related to their contributions and, where possible, provide royalty-free licenses for the benefit of the Foundation's mission.

Access and Use of Foundation Materials

To promote openness and non-discriminatory access, the Gimel Foundation adopts the following guidelines:

Public Access

All published materials, research, and educational resources shall be freely accessible to the public, except where restricted by contributor agreement or legal obligation.

The Foundation shall maintain a public repository of its materials, ensuring discoverability and ease of use.

Contributor Rights and Responsibilities

Contributors have the right to attribution and recognition for their work.

Contributors must ensure that their submissions comply with applicable laws and do not infringe on third-party rights.

Contributors agree that materials submitted to the Foundation may be used, modified, and redistributed in accordance with these legal provisions.

Confidentiality and Privacy

The Gimel Foundation is committed to the responsible handling of confidential and personal information:

- All personal data collected by the Foundation shall be processed in compliance with applicable data protection laws.
- Confidential information entrusted to the Foundation by contributors or partners shall be safeguarded and not disclosed except with consent or as required by law.
- Policies regarding privacy and data retention shall be reviewed regularly and updated as needed.

Liability and Indemnification

The Foundation, its Trustees, founding members, officers, and contributors shall not be held liable for any indirect, incidental, or consequential damages arising from the use of Foundation materials, except in cases of gross negligence or willful misconduct.

Contributors agree to indemnify the Foundation against any claims resulting from infringement or violation of third-party rights in materials they submit.

The Foundation may appoint Providers like Gimel Technologies GmbH or others to operate and administrate its services. Providers are solely responsible and liable for all activities it performs as a service provider to the Foundation. The liability of the Foundation as a result remains in line with these Legal Terms and the limitations defined therein, accordingly.

Dispute Resolution

Internal Mechanisms

- Disputes related to the interpretation or application of these legal provisions shall first be addressed through internal mediation.
- The founding members may appoint an independent mediator or arbitration panel to resolve disputes, whose decisions shall be binding absent clear evidence of error or bias.

Jurisdiction

- The Gimel Foundation shall designate its principal jurisdiction in its founding documents; legal disputes not resolved internally shall be subject to the laws of this jurisdiction.

Amendment of Trust Legal Provisions

- These provisions may be amended by the founding members in line with the Foundation`s charter, following proper notice and consultation with stakeholders.
- All amendments must be documented and made publicly available.

Transparency and Reporting

The Gimel Foundation is committed to transparency in its operations:

- Annual reports detailing status, activities, and compliance with legal provisions shall be published for public review.
- Minutes of Board meetings, significant decisions, and changes to governance or legal provisions shall be recorded and accessible to stakeholders.

Termination and Dissolution

- In the event of dissolution, the assets of the Gimel Foundation shall be distributed according to its founding documents and in a manner that best serves its mission and the public interest.
- Any remaining intellectual property shall be released under open license to maximize public benefit.

* * *