

**Application for Recognition of Exemption  
Under Section 501(c)(3) of the Internal Revenue Code**

*Note: If exempt status is approved, this application will be open for public inspection.*

Use the instructions to complete this application and for a definition of all **bold** items. For additional help, call IRS Exempt Organizations Customer Account Services toll-free at 1-877-829-5500. Visit our website at [www.irs.gov](http://www.irs.gov) for forms and publications. If the required information and documents are not submitted with payment of the appropriate user fee, the application may be returned to you.

Attach additional sheets to this application if you need more space to answer fully. Put your name and EIN on each sheet and identify each answer by Part and line number. Complete Parts I - XI of Form 1023 and submit only those Schedules (A through H) that apply to you.

**Part I Identification of Applicant**

<b>1</b> Full name of organization (exactly as it appears in your <b>organizing document</b> ) Software Freedom Conservancy, Inc.		<b>2</b> c/o Name (if applicable)	
<b>3</b> <b>Mailing address</b> (Number and street) (see instructions) 1995 Broadway		Room/Suite 17th Floor	<b>4</b> Employer Identification Number (EIN) 41-2203632
City or town, state or country, and ZIP + 4 New York, NY 10023		<b>5</b> Month the annual accounting period ends (01 - 12) 12	
<b>6</b> Primary contact (officer, director, trustee, or <b>authorized representative</b> ) a Name: Karen M. Sandler Secretary		b Phone: (212)461-1908	
		c Fax: (optional) (212)580-0898	
<b>7</b> Are you represented by an authorized representative, such as an attorney or accountant? If "Yes," provide the authorized representative's name, and the name and address of the authorized representative's firm. Include a completed Form 2848, <i>Power of Attorney and Declaration of Representative</i> , with your application if you would like us to communicate with your representative. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>8</b> Was a person who is not one of your officers, directors, trustees, employees, or an authorized representative listed in line 7, paid, or promised payment, to help plan, manage, or advise you about the structure or activities of your organization, or about your financial or tax matters? If "Yes," provide the person's name, the name and address of the person's firm, the amounts paid or promised to be paid, and describe that person's role. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>9a</b> Organization's website: <a href="http://conservancy.softwarefreedom.org">conservancy.softwarefreedom.org</a>			
<b>b</b> Organization's email: (optional)			
<b>10</b> Certain organizations are not required to file an information return (Form 990 or Form 990-EZ). If you are granted tax-exemption, are you claiming to be excused from filing Form 990 or Form 990-EZ? If "Yes," explain. See the instructions for a description of organizations not required to file Form 990 or Form 990-EZ. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>11</b> Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY) 03 / 16 /06			
<b>12</b> Were you formed under the laws of a <b>foreign country</b> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," state the country.			

**Part II Organizational Structure**

You must be a corporation (including a limited liability company), an unincorporated association, or a trust to be tax exempt. (See instructions.) **DO NOT file this form unless you can check "Yes" on lines 1, 2, 3, or 4.**

- 1 Are you a **corporation**? If "Yes," attach a copy of your articles of incorporation showing **certification of filing** with the appropriate state agency. Include copies of any amendments to your articles and be sure they also show state filing certification.  **Yes**  **No**
- 2 Are you a **limited liability company (LLC)**? If "Yes," attach a copy of your articles of organization showing **certification of filing** with the appropriate state agency. Also, if you adopted an operating agreement, attach a copy. Include copies of any amendments to your articles and be sure they show state filing certification. Refer to the instructions for circumstances when an LLC should not file its own exemption application.  **Yes**  **No**
- 3 Are you an **unincorporated association**? If "Yes," attach a copy of your articles of association, constitution, or other similar organizing document that is dated and includes at least two signatures. Include signed and dated copies of any amendments.  **Yes**  **No**
- 4a Are you a **trust**? If "Yes," attach a signed and dated copy of your trust agreement. Include signed and dated copies of any amendments.  **Yes**  **No**
- b Have you been funded? If "No," explain how you are formed without anything of value placed in trust.  **Yes**  **No**
- 5 Have you adopted **bylaws**? If "Yes," attach a current copy showing date of adoption. If "No," explain how your officers, directors, or trustees are selected.  **Yes**  **No**

**Part III Required Provisions in Your Organizing Document**

The following questions are designed to ensure that when you file this application, your organizing document contains the required provisions to meet the organizational test under section 501(c)(3). Unless you can check the boxes in both lines 1 and 2, your organizing document does not meet the organizational test. **DO NOT file this application until you have amended your organizing document.** Submit your original and amended organizing documents (showing state filing certification if you are a corporation or an LLC) with your application.

- 1 Section 501(c)(3) requires that your organizing document state your exempt purpose(s), such as charitable, religious, educational, and/or scientific purposes. Check the box to confirm that your organizing document meets this requirement. Describe specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document. Refer to the instructions for exempt purpose language. Location of Purpose Clause (Page, Article, and Paragraph): Page 1, Article 4
- 2a Section 501(c)(3) requires that upon dissolution of your organization, your remaining assets must be used exclusively for exempt purposes, such as charitable, religious, educational, and/or scientific purposes. Check the box on line 2a to confirm that your organizing document meets this requirement by express provision for the distribution of assets upon dissolution. If you rely on state law for your dissolution provision, do not check the box on line 2a and go to line 2c.
- 2b If you checked the box on line 2a, specify the location of your dissolution clause (Page, Article, and Paragraph). Do not complete line 2c if you checked box 2a. Page 2, Article 10
- 2c See the instructions for information about the operation of state law in your particular state. Check this box if you rely on operation of state law for your dissolution provision and indicate the state:

**Part IV Narrative Description of Your Activities**

Using an attachment, describe your *past, present, and planned* activities in a narrative. If you believe that you have already provided some of this information in response to other parts of this application, you may summarize that information here and refer to the specific parts of the application for supporting details. You may also attach representative copies of newsletters, brochures, or similar documents for supporting details to this narrative. Remember that if this application is approved, it will be open for public inspection. Therefore, your narrative description of activities should be thorough and accurate. Refer to the instructions for information that must be included in your description.

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors**

- 1a List the names, titles, and mailing addresses of all of your officers, directors, and trustees. For each person listed, state their total annual **compensation**, or proposed compensation, for all services to the organization, whether as an officer, employee, or other position. Use actual figures, if available. Enter "none" if no compensation is or will be paid. If additional space is needed, attach a separate sheet. Refer to the instructions for information on what to include as compensation.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
Mark Galassi	Director, Vice President	527 Alarid St Santa Fe, NM 87501	None
Bradley M. Kuhn	Director, President and Chairman	1995 Broadway, 17th Fl New York, NY 10023	None
Axel Metzger	Director	Kottwitzstrasse 5 20253 Hamburg, Germany	None
Eben Moglen	Director	1995 Broadway, 17th Fl New York, NY 10023	None
Daniel Ravicher	Director	1995 Broadway, 17th Fl New York, NY 10023	None

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)**

**b** List the names, titles, and mailing addresses of each of your five highest compensated employees who receive or will receive compensation of more than \$50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation. Do not include officers, directors, or trustees listed in line 1a.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)

**c** List the names, names of businesses, and mailing addresses of your five highest compensated **independent contractors** that receive or will receive compensation of more than \$50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)

The following "Yes" or "No" questions relate to *past, present, or planned* relationships, transactions, or agreements with your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, and 1c.

**2a** Are any of your officers, directors, or trustees **related** to each other through **family or business relationships**? If "Yes," identify the individuals and explain the relationship.  Yes  No

**b** Do you have a business relationship with any of your officers, directors, or trustees other than through their position as an officer, director, or trustee? If "Yes," identify the individuals and describe the business relationship with each of your officers, directors, or trustees.  Yes  No  
Please see explanatory note

**c** Are any of your officers, directors, or trustees related to your highest compensated employees or highest compensated independent contractors listed on lines 1b or 1c through family or business relationships? If "Yes," identify the individuals and explain the relationship.  Yes  No

**3a** For each of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c, attach a list showing their name, qualifications, average hours worked, and duties.

**b** Do any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c receive compensation from any other organizations, whether tax exempt or taxable, that are related to you through **common control**? If "Yes," identify the individuals, explain the relationship between you and the other organization, and describe the compensation arrangement.  Yes  No

**4** In establishing the compensation for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, and 1c, the following practices are recommended, although they are not required to obtain exemption. Answer "Yes" to all the practices you use.

- a** Do you or will the individuals that approve compensation arrangements follow a conflict of interest policy?  Yes  No
- b** Do you or will you approve compensation arrangements in advance of paying compensation?  Yes  No
- c** Do you or will you document in writing the date and terms of approved compensation arrangements?  Yes  No

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)**

- d Do you or will you record in writing the decision made by each individual who decided or voted on compensation arrangements?  Yes  No
- e Do you or will you approve compensation arrangements based on information about compensation paid by **similarly situated** taxable or tax-exempt organizations for similar services, current compensation surveys compiled by independent firms, or actual written offers from similarly situated organizations? Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.  Yes  No
- f Do you or will you record in writing both the information on which you relied to base your decision and its source?  Yes  No
- g If you answered "No" to any item on lines 4a through 4f, describe how you set compensation that is **reasonable** for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c.

- 5a Have you adopted a **conflict of interest policy** consistent with the sample conflict of interest policy in Appendix A to the instructions? If "Yes," provide a copy of the policy and explain how the policy has been adopted, such as by resolution of your governing board. If "No," answer lines 5b and 5c.  Yes  No
  - b What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you for setting their own compensation? **Please see 4g above.**
  - c What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you regarding business deals with themselves? **Please see 4g above.**
- Note:** A conflict of interest policy is recommended though it is not required to obtain exemption. Hospitals, see Schedule C, Section I, line 14.

We anticipate adopting a Conflict of Interest policy consistent with the sample in Appendix A by end of 2006.

- 6a Do you or will you compensate any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, or 1c through **non-fixed payments**, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are determined, who is eligible for such arrangements, whether you place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.  Yes  No
- b Do you or will you compensate any of your employees, other than your officers, directors, trustees, or your five highest compensated employees who receive or will receive compensation of more than \$50,000 per year, through non-fixed payments, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are or will be determined, who is or will be eligible for such arrangements, whether you place or will place a limitation on total compensation, and how you determine or will determine that you pay no more than reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.  Yes  No

- 7a Do you or will you purchase any goods, services, or assets from any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such purchase that you made or intend to make, from whom you make or will make such purchases, how the terms are or will be negotiated at **arm's length**, and explain how you determine or will determine that you pay no more than **fair market value**. Attach copies of any written contracts or other agreements relating to such purchases.  Yes  No
- b Do you or will you sell any goods, services, or assets to any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such sales that you made or intend to make, to whom you make or will make such sales, how the terms are or will be negotiated at **arm's length**, and explain how you determine or will determine you are or will be paid at least **fair market value**. Attach copies of any written contracts or other agreements relating to such sales.  Yes  No

- 8a Do you or will you have any leases, contracts, loans, or other agreements with your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," provide the information requested in lines 8b through 8f.  Yes  No
- b Describe any written or oral arrangements that you made or intend to make.
- c Identify with whom you have or will have such arrangements.
- d Explain how the terms are or will be negotiated at arm's length.
- e Explain how you determine you pay no more than fair market value or you are paid at least fair market value.
- f Attach copies of any signed leases, contracts, loans, or other agreements relating to such arrangements.

- 9a Do you or will you have any leases, contracts, loans, or other agreements with any organization in which any of your officers, directors, or trustees are also officers, directors, or trustees, or in which any individual officer, director, or trustee owns more than a 35% interest? If "Yes," provide the information requested in lines 9b through 9f.  Yes  No

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)**

- b Describe any written or oral arrangements you made or intend to make.
- c Identify with whom you have or will have such arrangements.
- d Explain how the terms are or will be negotiated at arm's length.
- e Explain how you determine or will determine you pay no more than fair market value or that you are paid at least fair market value.
- f Attach a copy of any signed leases, contracts, loans, or other agreements relating to such arrangements.

**Part VI Your Members and Other Individuals and Organizations That Receive Benefits From You**

The following "Yes" or "No" questions relate to goods, services, and funds you provide to individuals and organizations as part of your activities. Your answers should pertain to *past, present, and planned* activities. (See instructions.)

- 1a In carrying out your exempt purposes, do you provide goods, services, or funds to individuals? If "Yes," describe each program that provides goods, services, or funds to individuals.  Yes  No
- b In carrying out your exempt purposes, do you provide goods, services, or funds to organizations? If "Yes," describe each program that provides goods, services, or funds to organizations.  Yes  No
- 2 Do any of your programs limit the provision of goods, services, or funds to a specific individual or group of specific individuals? For example, answer "Yes," if goods, services, or funds are provided only for a particular individual, your members, individuals who work for a particular employer, or graduates of a particular school. If "Yes," explain the limitation and how recipients are selected for each program.  Yes  No
- 3 Do any individuals who receive goods, services, or funds through your programs have a family or business relationship with any officer, director, trustee, or with any of your highest compensated employees or highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c? If "Yes," explain how these related individuals are eligible for goods, services, or funds.  Yes  No

**Part VII Your History**

The following "Yes" or "No" questions relate to your history. (See instructions.)

- 1 Are you a **successor** to another organization? Answer "Yes," if you have taken or will take over the activities of another organization; you took over 25% or more of the fair market value of the net assets of another organization; or you were established upon the conversion of an organization from for-profit to non-profit status. If "Yes," complete Schedule G.  Yes  No
- 2 Are you submitting this application more than 27 months after the end of the month in which you were legally formed? If "Yes," complete Schedule E.  Yes  No

**Part VIII Your Specific Activities**

The following "Yes" or "No" questions relate to specific activities that you may conduct. Check the appropriate box. Your answers should pertain to *past, present, and planned* activities. (See instructions.)

- 1 Do you support or oppose candidates in **political campaigns** in any way? If "Yes," explain.  Yes  No
- 2a Do you attempt to **influence legislation**? If "Yes," explain how you attempt to influence legislation and complete line 2b. If "No," go to line 3a.  Yes  No
- b Have you made or are you making an **election** to have your legislative activities measured by expenditures by filing Form 5768? If "Yes," attach a copy of the Form 5768 that was already filed or attach a completed Form 5768 that you are filing with this application. If "No," describe whether your attempts to influence legislation are a substantial part of your activities. Include the time and money spent on your attempts to influence legislation as compared to your total activities.  Yes  No
- 3a Do you or will you operate bingo or **gaming** activities? If "Yes," describe who conducts them, and list all revenue received or expected to be received and expenses paid or expected to be paid in operating these activities. **Revenue and expenses** should be provided for the time periods specified in Part IX, Financial Data.  Yes  No
- b Do you or will you enter into contracts or other agreements with individuals or organizations to conduct bingo or gaming for you? If "Yes," describe any written or oral arrangements that you made or intend to make, identify with whom you have or will have such arrangements, explain how the terms are or will be negotiated at arm's length, and explain how you determine or will determine you pay no more than fair market value or you will be paid at least fair market value. Attach copies of any written contracts or other agreements relating to such arrangements.  Yes  No
- c List the states and local jurisdictions, including Indian Reservations, in which you conduct or will conduct gaming or bingo.

**Part VIII Your Specific Activities (Continued)**

- 4a** Do you or will you undertake **fundraising**? If "Yes," check all the fundraising programs you do or will conduct. (See instructions.)  **Yes**  **No**
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> mail solicitations              | <input type="checkbox"/> phone solicitations                                   |
| <input checked="" type="checkbox"/> email solicitations             | <input checked="" type="checkbox"/> accept donations on your website           |
| <input checked="" type="checkbox"/> personal solicitations          | <input type="checkbox"/> receive donations from another organization's website |
| <input type="checkbox"/> vehicle, boat, plane, or similar donations | <input type="checkbox"/> government grant solicitations                        |
| <input checked="" type="checkbox"/> foundation grant solicitations  | <input type="checkbox"/> Other   |
- Attach a description of each fundraising program.
- b** Do you or will you have written or oral contracts with any individuals or organizations to raise funds for you? If "Yes," describe these activities. Include all revenue and expenses from these activities and state who conducts them. Revenue and expenses should be provided for the time periods specified in Part IX, Financial Data. Also, attach a copy of any contracts or agreements.  **Yes**  **No**
- c** Do you or will you engage in fundraising activities for other organizations? If "Yes," describe these arrangements. Include a description of the organizations for which you raise funds and attach copies of all contracts or agreements.  **Yes**  **No**
- d** List all states and local jurisdictions in which you conduct fundraising. For each state or local jurisdiction listed, specify whether you fundraise for your own organization, you fundraise for another organization, or another organization fundraises for you.
- e** Do you or will you maintain separate accounts for any contributor under which the contributor has the right to advise on the use or distribution of funds? Answer "Yes" if the donor may provide advice on the types of investments, distributions from the types of investments, or the distribution from the donor's contribution account. If "Yes," describe this program, including the type of advice that may be provided and submit copies of any written materials provided to donors.  **Yes**  **No**
- 
- 5** Are you **affiliated** with a governmental unit? If "Yes," explain.  **Yes**  **No**
- 6a** Do you or will you engage in **economic development**? If "Yes," describe your program.  **Yes**  **No**
- b** Describe in full who benefits from your economic development activities and how the activities promote exempt purposes.
- 
- 7a** Do or will persons other than your employees or volunteers **develop** your facilities? If "Yes," describe each facility, the role of the developer, and any business or family relationship(s) between the developer and your officers, directors, or trustees.  **Yes**  **No**
- b** Do or will persons other than your employees or volunteers **manage** your activities or facilities? If "Yes," describe each activity and facility, the role of the manager, and any business or family relationship(s) between the manager and your officers, directors, or trustees.  **Yes**  **No**
- c** If there is a business or family relationship between any manager or developer and your officers, directors, or trustees, identify the individuals, explain the relationship, describe how contracts are negotiated at arm's length so that you pay no more than fair market value, and submit a copy of any contracts or other agreements.
- 
- 8** Do you or will you enter into **joint ventures**, including partnerships or **limited liability companies** treated as partnerships, in which you share profits and losses with partners other than section 501(c)(3) organizations? If "Yes," describe the activities of these joint ventures in which you participate.  **Yes**  **No**
- 
- 9a** Are you applying for exemption as a childcare organization under section 501(k)? If "Yes," answer lines 9b through 9d. If "No," go to line 10.  **Yes**  **No**
- b** Do you provide child care so that parents or caretakers of children you care for can be **gainfully employed** (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k).  **Yes**  **No**
- c** Of the children for whom you provide child care, are 85% or more of them cared for by you to enable their parents or caretakers to be gainfully employed (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k).  **Yes**  **No**
- d** Are your services available to the general public? If "No," describe the specific group of people for whom your activities are available. Also, see the instructions and explain how you qualify as a childcare organization described in section 501(k).  **Yes**  **No**
- 
- 10** Do you or will you publish, own, or have rights in music, literature, tapes, artworks, choreography, scientific discoveries, or other **intellectual property**? If "Yes," explain. Describe who owns or will own any copyrights, patents, or trademarks, whether fees are or will be charged, how the fees are determined, and how any items are or will be produced, distributed, and marketed.  **Yes**  **No**

**Part VIII Your Specific Activities (Continued)**

- 11** Do you or will you accept contributions of: real property; conservation easements; closely held securities; intellectual property such as patents, trademarks, and copyrights; works of music or art; licenses; royalties; automobiles, boats, planes, or other vehicles; or collectibles of any type? If "Yes," describe each type of contribution, any conditions imposed by the donor on the contribution, and any agreements with the donor regarding the contribution.  Yes  No
- 
- 12a** Do you or will you operate in a **foreign country** or **countries**? If "Yes," answer lines 12b through 12d. If "No," go to line 13a.  Yes  No
- b** Name the foreign countries and regions within the countries in which you operate.
- c** Describe your operations in each country and region in which you operate.
- d** Describe how your operations in each country and region further your exempt purposes.
- 
- 13a** Do you or will you make grants, loans, or other distributions to organization(s)? If "Yes," answer lines 13b through 13g. If "No," go to line 14a.  Yes  No
- b** Describe how your grants, loans, or other distributions to organizations further your exempt purposes.
- c** Do you have written contracts with each of these organizations? If "Yes," attach a copy of each contract.  Yes  No
- d** Identify each recipient organization and any **relationship** between you and the recipient organization.
- e** Describe the records you keep with respect to the grants, loans, or other distributions you make.
- f** Describe your selection process, including whether you do any of the following:
- (i)** Do you require an application form? If "Yes," attach a copy of the form.  Yes  No
- (ii)** Do you require a grant proposal? If "Yes," describe whether the grant proposal specifies your responsibilities and those of the grantee, obligates the grantee to use the grant funds only for the purposes for which the grant was made, provides for periodic written reports concerning the use of grant funds, requires a final written report and an accounting of how grant funds were used, and acknowledges your authority to withhold and/or recover grant funds in case such funds are, or appear to be, misused.  Yes  No
- g** Describe your procedures for oversight of distributions that assure you the resources are used to further your exempt purposes, including whether you require periodic and final reports on the use of resources.
- 
- 14a** Do you or will you make grants, loans, or other distributions to foreign organizations? If "Yes," answer lines 14b through 14f. If "No," go to line 15.  Yes  No
- b** Provide the name of each foreign organization, the country and regions within a country in which each foreign organization operates, and describe any relationship you have with each foreign organization.
- c** Does any foreign organization listed in line 14b accept contributions earmarked for a specific country or specific organization? If "Yes," list all earmarked organizations or countries.  Yes  No
- d** Do your contributors know that you have ultimate authority to use contributions made to you at your discretion for purposes consistent with your exempt purposes? If "Yes," describe how you relay this information to contributors.  Yes  No
- e** Do you or will you make pre-grant inquiries about the recipient organization? If "Yes," describe these inquiries, including whether you inquire about the recipient's financial status, its tax-exempt status under the Internal Revenue Code, its ability to accomplish the purpose for which the resources are provided, and other relevant information.  Yes  No
- f** Do you or will you use any additional procedures to ensure that your distributions to foreign organizations are used in furtherance of your exempt purposes? If "Yes," describe these procedures, including site visits by your employees or compliance checks by impartial experts, to verify that grant funds are being used appropriately.  Yes  No

**Part VIII** Your Specific Activities (Continued)

- 15 Do you have a **close connection** with any organizations? If "Yes," explain.  Yes  No
- 16 Are you applying for exemption as a **cooperative hospital service organization** under section 501(e)? If "Yes," explain.  Yes  No
- 17 Are you applying for exemption as a **cooperative service organization of operating educational organizations** under section 501(f)? If "Yes," explain.  Yes  No
- 18 Are you applying for exemption as a **charitable risk pool** under section 501(n)? If "Yes," explain.  Yes  No
- 19 Do you or will you operate a **school**? If "Yes," complete Schedule B. Answer "Yes," whether you operate a school as your main function or as a secondary activity.  Yes  No
- 20 Is your main function to provide **hospital or medical care**? If "Yes," complete Schedule C.  Yes  No
- 21 Do you or will you provide **low-income housing** or housing for the **elderly** or **handicapped**? If "Yes," complete Schedule F.  Yes  No
- 22 Do you or will you provide scholarships, fellowships, educational loans, or other educational grants to individuals, including grants for travel, study, or other similar purposes? If "Yes," complete Schedule H.  Yes  No

**Note: Private foundations** may use Schedule H to request advance approval of individual grant procedures.



**Part IX Financial Data**

For purposes of this schedule, years in existence refer to completed tax years. If in existence 4 or more years, complete the schedule for the most recent 4 tax years. If in existence more than 1 year but less than 4 years, complete the statements for each year in existence and provide projections of your likely revenues and expenses based on a reasonable and good faith estimate of your future finances for a total of 3 years of financial information. If in existence less than 1 year, provide projections of your likely revenues and expenses for the current year and the 2 following years, based on a reasonable and good faith estimate of your future finances for a total of 3 years of financial information. (See instructions.)

**A. Statement of Revenues and Expenses**

	Type of revenue or expense	3 prior tax years or 2 succeeding tax years				(e) Provide Total for (a) through (d)
		Current tax year	(a) From 3/1/06 To 2/28/07	(b) From 3/1/07 To 2/28/08	(c) From 3/1/08 To 2/28/09	
<b>Revenues</b>	<b>1</b> Gifts, grants, and contributions received (do not include unusual grants)	20,000	30,000	40,000		90,000
	<b>2</b> Membership fees received					
	<b>3</b> Gross investment income					
	<b>4</b> Net unrelated business income					
	<b>5</b> Taxes levied for your benefit					
	<b>6</b> Value of services or facilities furnished by a governmental unit without charge (not including the value of services generally furnished to the public without charge)					
	<b>7</b> Any revenue not otherwise listed above or in lines 9-12 below (attach an itemized list)					
	<b>8</b> Total of lines 1 through 7	20,000	30,000	40,000		90,000
	<b>9</b> Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to your exempt purposes (attach itemized list)					
	<b>10</b> Total of lines 8 and 9	20,000	30,000	40,000		90,000
	<b>11</b> Net gain or loss on sale of capital assets (attach schedule and see instructions)					
	<b>12</b> Unusual grants					
	<b>13</b> Total Revenue Add lines 10 through 12	20,000	30,000	40,000		90,000
<b>Expenses</b>	<b>14</b> Fundraising expenses					
	<b>15</b> Contributions, gifts, grants, and similar amounts paid out (attach an itemized list)					
	<b>16</b> Disbursements to or for the benefit of members (attach an itemized list)					
	<b>17</b> Compensation of officers, directors, and trustees					
	<b>18</b> Other salaries and wages					
	<b>19</b> Interest expense					
	<b>20</b> Occupancy (rent, utilities, etc.)					
	<b>21</b> Depreciation and depletion					
	<b>22</b> Professional fees	5,000	7,000	10,000		
	<b>23</b> Any expense not otherwise classified, such as program services (attach itemized list)	12,000	17,500	20,500		
	<b>24</b> Total Expenses Add lines 14 through 23	17,000	24,500	30,500		

Part IX Financial Data (Continued)

B. Balance Sheet (for your most recently completed tax year)

Table with columns for line numbers, descriptions of assets and liabilities, and a 'Year End' column. Assets include Cash, Accounts receivable, Inventories, Bonds and notes receivable, Corporate stocks, Loans receivable, Other investments, Depreciable and depletable assets, Land, and Other assets. Liabilities include Accounts payable, Contributions, gifts, grants, etc. payable, Mortgages and notes payable, and Other liabilities. Fund Balances or Net Assets include Total fund balances or net assets and Total Liabilities and Fund Balances or Net Assets.

Year End: (Whole dollars)

Part X Public Charity Status

Part X is designed to classify you as an organization that is either a private foundation or a public charity. Public charity status is a more favorable tax status than private foundation status. If you are a private foundation, Part X is designed to further determine whether you are a private operating foundation. (See instructions.)

- 1a Are you a private foundation? If "Yes," go to line 1b. If "No," go to line 5 and proceed as instructed.
b As a private foundation, section 508(e) requires special provisions in your organizing document in addition to those that apply to all organizations described in section 501(c)(3). Check the box to confirm that your organizing document meets this requirement, whether by express provision or by reliance on operation of state law.
2 Are you a private operating foundation? To be a private operating foundation you must engage directly in the active conduct of charitable, religious, educational, and similar activities, as opposed to indirectly carrying out these activities by providing grants to individuals or other organizations.
3 Have you existed for one or more years? If "Yes," attach financial information showing that you are a private operating foundation; go to the signature section of Part XI. If "No," continue to line 4.
4 Have you attached either (1) an affidavit or opinion of counsel, (including a written affidavit or opinion from a certified public accountant or accounting firm with expertise regarding this tax law matter), that sets forth facts concerning your operations and support to demonstrate that you are likely to satisfy the requirements to be classified as a private operating foundation; or (2) a statement describing your proposed operations as a private operating foundation?
5 If you answered "No" to line 1a, indicate the type of public charity status you are requesting by checking one of the choices below. You may check only one box.
The organization is not a private foundation because it is:
a 509(a)(1) and 170(b)(1)(A)(i)—a church or a convention or association of churches. Complete and attach Schedule A.
b 509(a)(1) and 170(b)(1)(A)(ii)—a school. Complete and attach Schedule B.
c 509(a)(1) and 170(b)(1)(A)(iii)—a hospital, a cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital. Complete and attach Schedule C.
d 509(a)(3)—an organization supporting either one or more organizations described in line 5a through c, f, g, or h or a publicly supported section 501(c)(4), (5), or (6) organization. Complete and attach Schedule D.

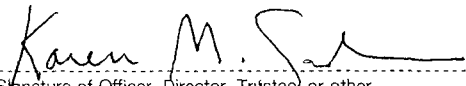
Part X Public Charity Status (Continued)

- e 509(a)(4)—an organization organized and operated exclusively for testing for public safety.
- f 509(a)(1) and 170(b)(1)(A)(iv)—an organization operated for the benefit of a college or university that is owned or operated by a governmental unit.
- g 509(a)(1) and 170(b)(1)(A)(vi)—an organization that receives a substantial part of its financial support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public.
- h 509(a)(2)—an organization that normally receives not more than one-third of its financial support from gross investment income and receives more than one-third of its financial support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions).
- i A publicly supported organization, but unsure if it is described in 5g or 5h. The organization would like the IRS to decide the correct status.

- 6 If you checked box g, h, or i in question 5 above, you must request either an **advance** or a **definitive ruling** by selecting one of the boxes below. Refer to the instructions to determine which type of ruling you are eligible to receive.
- a **Request for Advance Ruling:** By checking this box and signing the consent, pursuant to section 6501(c)(4) of the Code you request an advance ruling and agree to extend the statute of limitations on the assessment of excise tax under section 4940 of the Code. The tax will apply only if you do not establish public support status at the end of the 5-year advance ruling period. The assessment period will be extended for the 5 advance ruling years to 8 years, 4 months, and 15 days beyond the end of the first year. You have the right to refuse or limit the extension to a mutually agreed-upon period of time or issue(s). Publication 1035, *Extending the Tax Assessment Period*, provides a more detailed explanation of your rights and the consequences of the choices you make. You may obtain Publication 1035 free of charge from the IRS web site at [www.irs.gov](http://www.irs.gov) or by calling toll-free 1-800-829-3676. Signing this consent will not deprive you of any appeal rights to which you would otherwise be entitled. If you decide not to extend the statute of limitations, you are not eligible for an advance ruling.

Consent Fixing Period of Limitations Upon Assessment of Tax Under Section 4940 of the Internal Revenue Code

For Organization

  
 (Signature of Officer, Director, Trustee, or other authorized official)

Karen M. Sandler  
 (Type or print name of signer)

9/26/06  
 (Date)

Secretary  
 (Type or print title or authority of signer)

For Director, Exempt Organizations

By \_\_\_\_\_ Date \_\_\_\_\_

- b **Request for Definitive Ruling:** Check this box if you have completed one tax year of at least 8 full months and you are requesting a definitive ruling. To confirm your public support status, answer line 6b(i) if you checked box g in line 5 above. Answer line 6b(ii) if you checked box h in line 5 above. If you checked box i in line 5 above, answer both lines 6b(i) and (ii).
- (i) (a) Enter 2% of line 8, column (e) on Part IX-A. Statement of Revenues and Expenses. \_\_\_\_\_
  - (b) Attach a list showing the name and amount contributed by each person, company, or organization whose gifts totaled more than the 2% amount. If the answer is "None," check this box.
  - (ii) (a) For each year amounts are included on lines 1, 2, and 9 of Part IX-A. Statement of Revenues and Expenses, attach a list showing the name of and amount received from each **disqualified person**. If the answer is "None," check this box.
  - (b) For each year amounts are included on line 9 of Part IX-A. Statement of Revenues and Expenses, attach a list showing the name of and amount received from each payer, other than a disqualified person, whose payments were more than the larger of (1) 1% of line 10, Part IX-A. Statement of Revenues and Expenses, or (2) \$5,000. If the answer is "None," check this box.

- 7 Did you receive any unusual grants during any of the years shown on Part IX-A. Statement of Revenues and Expenses? If "Yes," attach a list including the name of the contributor, the date and amount of the grant, a brief description of the grant, and explain why it is unusual.  Yes  No

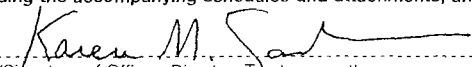
**Part XI User Fee Information**

You must include a user fee payment with this application. It will not be processed without your paid user fee. If your average annual gross receipts have exceeded or will exceed \$10,000 annually over a 4-year period, you must submit payment of \$500. If your gross receipts have not exceeded or will not exceed \$10,000 annually over a 4-year period, the required user fee payment is \$150. See instructions for Part XI, for a definition of **gross receipts** over a 4-year period. Your check or money order must be made payable to the United States Treasury. *User fees are subject to change. Check our website at www.irs.gov and type "User Fee" in the keyword box, or call Customer Account Services at 1-877-829-5500 for current information.*

- 1 Have your annual gross receipts averaged or are they expected to average not more than \$10,000?  Yes  No  
 If "Yes," check the box on line 2 and enclose a user fee payment of \$150 (Subject to change—see above).  
 If "No," check the box on line 3 and enclose a user fee payment of \$500 (Subject to change—see above).
- 2 Check the box if you have enclosed the reduced user fee payment of \$150 (Subject to change).
- 3 Check the box if you have enclosed the user fee payment of \$500 (Subject to change).

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

Please Sign Here

  
(Signature of Officer, Director, Trustee, or other authorized official)

Karen M. Sandler

(Type or print name of signer)

9/26/06

(Date)

Secretary

(Type or print title or authority of signer)

**Reminder:** Send the completed Form 1023 Checklist with your filled-in-application.

#### **Part IV**

Software Freedom Conservancy, Inc., or the Conservancy, was formed in March 2006 and is composed of projects dedicated to Free and Open Source Software (FOSS), that is, software licensed in a way that respects the users' freedoms to copy, share, modify and redistribute the software. Projects that are currently a part of the Conservancy are BusyBox, Libbriaille Mercurial, Survey OS, Samba, uCLibc and Wine, each of which is described below.

All of the software created by the Conservancy's projects are FOSS. Such software is available to the public without charge by the volunteers who created them, and provides no-cost alternatives to high cost systems created by for-profit companies. Licenses for FOSS require that source code be distributed with the compiled software, so that others may use and modify the software as they please. One common free software license is the GNU General Public License (the GPL).

Software produced by the Conservancy's projects has been adopted by users throughout the world. The Conservancy is a not-for-profit corporation, organized to ensure that its projects' software remains freely available to the public and that the public has access to educational materials and scientific literature that further their use of this software.

The Conservancy provides support for the development, marketing, and administration of the software, as well as oversight for all of its member projects' related activities. By joining the Conservancy, member projects can obtain the benefits of a formal legal structure while keeping themselves focused on software development.

The Conservancy continues to evaluate new projects and intends to continue adding projects over its lifetime.

The following briefly describes the projects that have joined the Conservancy to date:

- **BusyBox** is a program that combines many standard Unix utilities into a single small executable file. BusyBox can provide most of the utilities specified in the Unix specification (POSIX), plus many other utilities a user would expect to see on a GNU/Linux system. BusyBox provides replacements for most of the utilities found as part of FOSS operating system packages, such as GNU fileutils and shellutils. The utilities in BusyBox generally have fewer options than the full-featured GNU versions. However, the options that are included provide the same functionality that users expect. The utilities behave very much like their GNU

counterparts. BusyBox is typically used in a single-floppy or embedded Linux system because of its small size. Notably, developers have also deployed BusyBox in Linux distributions for the Sharp Zaurus and the Nokia 770 handheld devices. BusyBox provides a fairly complete environment for any small or embedded system. BusyBox is licensed under the GPL.

- **Libbraille** is a computer shared library which makes it possible to easily develop software for Braille displays. It provides a simple API to write text on the display, directly draw dots, or get the value of keys pressed on the Braille keyboard. Libbraille supports a wide range of Braille displays with a serial or USB connection and can auto-detect most of them. Libbraille supports the terminals of the following manufacturers: Alva, Baum, Blazie Engineering, EuroBraille, HandyTech, Hermes, ONCE, Papenmeier, Pulse Data, TechniBraille and Tieman.
- **Mercurial** is a fast, lightweight Source Control Management system which can track revisions to software during development. Since its conception in April 2005, Mercurial has been adopted by many projects for revision control, including Xen, One Laptop Per Child, and the Advanced Linux Sound Architecture (ALSA). Mercurial runs on Unix-like systems, Mac OS X, and Windows computers, and it is licensed under the GNU General Public License.
- **Samba** is a FOSS suite that provides seamless file and print services to SMB/CIFS clients, namely, to Microsoft Windows. Samba is freely available, unlike other SMB/CIFS implementations, and allows for interoperability between Linux/Unix servers and Windows-based clients. Samba is software that can be run on a platform other than Microsoft Windows. For example, Samba runs on Unix, GNU/Linux, IBM System 390, Solaris, Mac OS X, and OpenVMS, among others. It is standard on virtually all distributions of GNU/Linux and is commonly included as a basic system service on other UNIX-based systems as well. Samba uses the TCP/IP protocol that is installed on the host server.

One of the key goals of the project is to remove barriers to interoperability. Samba is a software package that gives network administrators flexibility and freedom in setup, configuration, choice of systems, and equipment. Samba is released under the GPL.

- **The SurveyOS Project** is dedicated to the sharing of technical knowledge and geospatial data between the GIS and land surveying professions. SurveyOS is an abbreviated form of “Survey Open Source.” The SurveyOS Project seeks to

accomplish this goal through the development of open technology standards and open source software.

- **uClibc** (pronounced yew-see-lib-see) is a software library for the C computer programming language, and is used for developing embedded Linux systems. uClibc is much smaller than the GNU C Library “glibc,” but nearly all applications supported by glibc also work perfectly with uClibc. Porting applications from glibc to uClibc typically involves just recompiling the source code. uClibc even supports shared libraries and threading. It currently runs on standard Linux and MMU-less (also known as  $\mu$ Clinux) systems with support for alpha, ARM, cris, i386, i960, h8300, m68k, mips/mipsel, PowerPC, SH, SPARC, and v850 processors.

uClibc is free software, licensed under the GNU Lesser General Public License (the LGPL).

- **Wine** is a translation layer (a program loader) capable of running Windows applications on Linux and other POSIX-compatible operating systems. Windows programs running in Wine act as native programs would. These applications run without the performance or memory usage penalties of an emulator, and with a similar look and feel to other applications on the user's desktop.

The Wine project started in 1993 as a way to support running Windows 3.1 programs on Linux. Over the years, ports for other Unix-like systems have been added, along with support for Win32 as Win32 applications became popular.

Wine is still under development; it is not yet suitable for general use.

Nevertheless, many people find it useful in running a growing number of Windows programs. Wine is licensed under the LGPL.

Because there is no charge for obtaining the Conservancy's software and because no registration is required, it is difficult to estimate the number of users worldwide. Wine and Samba are included in Red Hat and Ubuntu systems, which are widely used. Many popular wireless routers used in people's homes, such as the Linksys WRTG, use BusyBox.

ADDENDUM TO FORM 1023  
SOFTWARE FREEDOM CONSERVANCY, INC.  
EIN 41-2203632

The Conservancy performs and will perform these specific activities:

**Software Releases (65%)**

The Conservancy makes available its projects' software to the public free of charge primarily via the projects' websites. The Conservancy's software is distributed under FOSS licenses, which also allows unencumbered redistribution of the software, and of derivative works. These distributions include binaries (compiled software), documentation, installers, and full source code. All materials are made available as FOSS.

The Conservancy's projects welcome contributions to their code bases. Irrespective of a project's formal membership, any member of the public can access, modify, and republish software that a project releases by virtue of the software being Free and Open Source. Modifications that members of the public wish to incorporate into the project's main distribution can then be submitted back to the member project.

**Website (5%)**

The Conservancy maintains a website ([conservancy.softwarefreedom.org](http://conservancy.softwarefreedom.org)) that provides links to each of its projects' websites and provides information to the public about the Conservancy. The website describes the goals of the Conservancy and the benefits to software projects that join. Currently, each of the Conservancy's projects have websites external to the Conservancy. We expect over time that the Conservancy will include some of its projects' websites within the Conservancy's website.

**Evaluating and Developing New Projects (10%)**

The Conservancy will integrate new projects that meet certain criteria. The most important criteria is that the project must be exclusively devoted to the development of Open Source and Free Software, and that the project must operate in accordance with the with the Conservancy's tax exempt purposes. When projects request admission to the Conservancy, an extensive diligence review is conducted by a committee devoted to this purpose.

Once a project joins, the project continues to develop software and participate in the FOSS Community. Projects may choose to leave the Conservancy at any time.



**Copyright and Trademark Stewardship (10%)**

The Conservancy defends the status of its projects as FOSS, in order to ensure that its FOSS remains available without licensing fees to anyone who wants to use, change or distribute it.

The Conservancy does not require its member projects or the projects' developers to assign copyright, trademark, or other interests in software to the Conservancy but projects have the option of assigning if they so choose. The Conservancy will then handle the burden of managing the software on behalf of the project consistent with goals of the FOSS Movements. Volunteers to member projects may sign contributor agreements so that the Conservancy may pool, record, and unify the ownership of member projects.

The Conservancy provides and will provide several services in this vein to its member projects. For example, the Conservancy may police software licenses, notifying violators who redistribute proprietary versions of open source code and taking action or enlisting legal aid as appropriate.

**Fundraising and Promotion (5%)**

The Conservancy intends to solicit contributions from individuals and organizations to fund its activities. These activities are further described below in "Part VIII, Question 4a."

**Part V, Question 1a**

Ian Lance Taylor	Director	1310 Bay View Place Berkeley, CA 94708	None
Tom Tromeey	Director	2302 Bluff St. Boulder, CO 80304	None
Matthew S. Wilson	Director	701 Corporate Center Dr Suite 395 Raleigh, NC 27607	None
Karen M. Sandler	Secretary	1995 Broadway, 17 <sup>th</sup> floor	None

ADDENDUM TO FORM 1023  
SOFTWARE FREEDOM CONSERVANCY, INC.  
EIN 41-2203632

New York, NY 10023

**Part V, Questions 2a and 2b**

Several of the Conservancy's directors are employees of another charitable non-profit organization, the Software Freedom Law Center (SFLC). Of these, only Eben Moglen is a director of both organizations. Eben Moglen, Daniel Ravicher and Bradley Kuhn are officers at SFLC. Axel

Mhttp://www.kayak.com/s/flights.jsp?searchid=evgnNt3\_fz2VmY3pINym&completed=t  
rueetzer also provides legal work as an independent contractor to SFLC. Karen Sandler, also an employee of SFLC is an officer of both the Conservancy and SFLC.

**Part V, Question 3a**

The Conservancy is directed by the following Board of Directors. The Conservancy expects to expand the board in the future with others from the FOSS community who can contribute their expertise and perspective to the Conservancy's mission.

**Bradley M. Kuhn, Director and Chairperson** (also President, below) began his work in the Free Software Movement as a volunteer for the Free Software Foundation (FSF) in the mid-1990s. In 1992, he became an early adopter of the popular GNU/Linux operating system, and over the years he has contributed to numerous Free Software projects. Kuhn served as Executive Director of FSF from March 2001 until March 2005. During this period, he focused on streamlining the copyright assignment and project management functions that FSF performs for the GNU project. Kuhn holds a summa cum laude B.S. in Computer Science from Loyola College in Maryland, and an M.S. in Computer Science from the University of Cincinnati.

Kuhn works an average of six hours per week on Conservancy matters. As Chairperson and President, he chairs the meetings of the board of directors and has responsibility and oversight for the Conservancy's day-to-day activities. He is a member of the Conservancy's committee that evaluates projects that have requested to join (the Project Evaluation Committee).

**Mark Galassi, Director** (also Vice President, below), has been involved in the GNU project since 1984. He currently works as a researcher in the International, Space, and Response division at Los Alamos National Laboratory, where he has worked on the HETE-2 satellite, ISIS/Genie, the Raptor telescope, the Swift satellite, and the muon tomography project. In 1997 Galassi took several years off from Los Alamos (where he was previously in the ISR division and the Theoretical Astrophysics group) to work for

ADDENDUM TO FORM 1023  
SOFTWARE FREEDOM CONSERVANCY, INC.  
EIN 41-2203632

Cygnus (now a part of Red Hat) writing software and books for eCos, although he continued working on the HETE-2 satellite (an astrophysical Gamma Ray Burst mission) part time. Galassi earned his BA in Physics at Reed College and a Ph.D. from the Institute for Theoretical Physics at Stony Brook.

Galassi works an average of two hours per week on Conservancy matters. He is a member of the Conservancy's Project Evaluation Committee.

**Axel Metzger, Director**, is a Senior Research Fellow at the Max Planck Institute for Comparative and International Private Law in Hamburg, Germany. Metzger graduated from the University of Hamburg and received the First and the Second State Examination at the Hamburg Court of Appeals. He holds a Ph.D. from the Universities of Munich and Paris II (Panthéon-Assas) and an L.L.M from Harvard Law School. He has published several books and law review articles on the legal aspects of free software and European copyright and contract law in general. He is a founding member of the German Institute for Legal Aspects of FOSS.

Metzger works an average of two hours per week on Conservancy matters. He is a member of the Conservancy's Project Evaluation Committee.

**Eben Moglen, Director**, is Professor of Law and Legal History at Columbia University Law School and General Counsel of the FSF. In addition to FSF, Moglen has represented many of the world's leading free software developers. Moglen earned his Ph.D. in History and his law degree at Yale University during what he sometimes calls his "long, dark period" in New Haven. After law school he clerked for Judge Edward Weinfeld of the United States District Court in New York City and to Justice Thurgood Marshall of the United States Supreme Court. Since 1987 he has taught at Columbia Law School, and has held visiting appointments at Harvard University, Tel Aviv University and the University of Virginia. In 2003 he was given the Electronic Frontier Foundation's Pioneer Award for efforts on behalf of freedom in the electronic society.

Moglen works an average of two hours per week on Conservancy matters.

**Daniel Ravicher, Director**, is Legal Director of the Software Freedom Law Center, a not-for-profit legal services organization that provides pro-bono legal representation and other law-related services to protect and advance FOSS. Prior to co-founding the Law Center with Professor Eben Moglen of Columbia Law School, Mr. Ravicher was associated with Skadden, Arps, Slate, Meagher & Flom LLP, Brobeck, Phleger &

ADDENDUM TO FORM 1023  
SOFTWARE FREEDOM CONSERVANCY, INC.  
EIN 41-2203632

Harrison, LLP, and Patterson, Belknap, Webb & Tyler, LLP, all in New York, and served the Honorable Randall R. Rader, Circuit Judge for the U.S. Court of Appeals for the Federal Circuit in Washington, D.C. Mr. Ravicher received his law degree from the University of Virginia School of Law, where he was the Franklin O. Blechman Scholar for his class, a Mortimer Caplin Public Service Award recipient, and Editor of the Virginia Journal of Law and Technology. Mr. Ravicher received his bachelors degree in materials science *magna cum laude* with University Honors from the University of South Florida. Mr. Ravicher has published numerous legal articles and has given dozens of presentations regarding FOSS legal issues. He is an Adjunct Professor at Benjamin N. Cardozo School of Law.

Ravicher works an average of two hours per week on Conservancy matters.

**Tom Trome**y, **Director**, started working on free software in 1991. He was the primary author of GNU Automake, and has also worked on a wide range of other free software projects. He is currently a maintainer of GNU gcj and works at Red Hat. He received a B.S. in mathematics from the California Institute of Technology.

Tromey works an average of two hours per week on Conservancy matters. He is a member of the Conservancy's Project Evaluation Committee.

**Matthew S. Wilson**, **Director**, has been using GNU/Linux since 1994. While studying at NC State University he became involved with the GIMP and GNOME projects. In 1998, he participated in efforts to port Mozilla, which Netscape just released as Open Source, to GNOME and GTK+. Wilson accepted a development position at Red Hat in 1998. There he was responsible for coordinating with and contributing to hundreds of Free and Open Source projects that were distributed in Red Hat Linux. He represented Red Hat on the Linux Standard Base Working Group and Standardization Authority. Wilson currently is a Founding Engineer of rPath, Inc. At rPath, he is developing new technology that brings independently managed software components into fully functioning systems.

Wilson works an average of two hours per week on Conservancy matters. He is a member of the Conservancy's Project Evaluation Committee.

The Board of Directors elects the Conservancy's officers. The current officers are:

**Bradley M. Kuhn**, **President**, is described above.

ADDENDUM TO FORM 1023  
SOFTWARE FREEDOM CONSERVANCY, INC.  
EIN 41-2203632

**Mark Galassi, Vice-President**, is described above.

**Karen Sandler, Secretary**, brings substantial experience in corporate law to the Conservancy. Sandler joined the Software Freedom Law Center in 2005 after working as an associate in the corporate departments of Gibson, Dunn & Crutcher LLP in New York and Clifford Chance in New York and London. Sandler received her law degree from Columbia Law School in 2000, where she was a James Kent Scholar and co-founder of the Columbia Science and Technology Law Review. Sandler received her bachelor's degree in engineering from The Cooper Union.

Sandler works an average of three hours per week on Conservancy matters. As Secretary, she manages the Conservancy's records, including Conservancy corporate organizational documents and meeting minutes.

#### **Part VI, Questions 1a and 1b**

The Conservancy's past, present and planned goods, services, and funds are described above in "Part IV." The fundraising aspect of funds is described below in "Part VIII, Question 4a."

#### **Part VI, Question 3**

FOSS development is conducted by volunteers and contributors around the world. Due to the access that FOSS licenses provide, anyone who is willing to spend time and energy to improve or change software may do so without restriction. Most of the directors and officers listed above have developed or are developing free software; these individuals may further contribute to free software generally by developing code in Conservancy projects. Through their contributions, those directors and officers listed in "Part V, Question 3a" receive the same benefits as any other member of the public.

#### **Part VIII, Question 4a**

The Conservancy's fundraising activities include individual requests made to community members as well as e-mail solicitations, and are carried out by volunteers. A donation link appears on the Conservancy's website for any member of the public to donate money. Member projects also usually have donation links on their websites. Monies designated for specific projects are paid to the Conservancy and kept only for those respective projects. Monies paid directly to the Conservancy are placed in a fund that may be used in accordance with the Conservancy's goals, including, but not limited to, Conservancy administration, evaluating new projects, or supporting existing projects. Certain member

ADDENDUM TO FORM 1023  
SOFTWARE FREEDOM CONSERVANCY, INC.  
EIN 41-2203632

projects with separate organizational structures may accept funds in their names while they transition to Conservancy administration. For example, the Wine Project, discussed above, has a donation link on its page; these funds are currently being transitioned to the Conservancy's records.

The items checked represent kinds of fundraising activities the organization expects to undertake. To this point, funding has been secured through donations received by projects from the public. As the Conservancy establishes itself and its program, it will probably broaden the range of its fundraising activities and funding sources.

**Part VIII, Questions 10 and 11**

The Conservancy expects to own copyrights, trademarks, and other interests in its member projects. For further explanation, please refer to "Copyright and Trademark Stewardship" in "Part IV," above.

**Part VIII, Question 12**

The Conservancy makes its software freely available to users throughout the world, as discussed above in "Part IV." Furthermore, developers who donate their time to work on FOSS projects are located all over the world. There are thousands of developers who have participated in the projects listed in "Part IV." As stated in "Part IV," the exact number of users of member projects' software is difficult to estimate.

The Conservancy's administrative operations occur in the United States pursuant to New York State and United States federal laws. The Conservancy only holds interests in property, copyrights and trademarks in the United States. The Conservancy does not intend to hold any patents.

**Part VIII, Question 15**

Several directors (comprising a minority of the Conservancy's board) serve as directors or officers of the Software Freedom Law Center, as discussed above. Such directors and officers share their resources to a limited extent with the Law Center; namely, they occupy the same office space while performing some Conservancy tasks. Conservancy monies and decisions are maintained entirely separate from the Law Center. Additionally, SFCLC provides pro bono legal services to the Conservancy, as is consistent with its tax exempt purposes.

Addendum to Form Char410  
Software Freedom Conservancy, Inc.  
EIN 41-2203632

**Part F, Question 3**

Karen M. Sandler Secretary 1995 Broadway, 17<sup>th</sup> Fl., New York, New York 10023

**Part G, Question 4**

The purposes for which the Corporation is formed are:

- (a) To endeavor to monitor and improve the quality of currently existing publicly available software.
- (b) To foster, promote and increase access to software systems available to the general public and promote the general right to use, change or distribute Free and Open Source Software.
- (c) To solicit, collect and otherwise raise money and to expend such funds in furtherance of the goals and activities of the Corporation.
- (d) To promote the use, development, and improvement of Free and Open Source Software.