

EXHIBIT 4

**EXHIBIT 4: TRANSCRIPT OF AUDIO-VISUAL RECORDING OF DEFENDANT
MATTHEW CHARLES MULLENWEG INTERVIEW WITH YOUTUBE CHANNEL
“THEO – T.3.GG**

LINK: <https://www.youtube.com/watch?v=OUJgahHjAKU>

Theo:	What's good nerds? How's everything looking sound? If you couldn't tell this is not my usual setup. I want to make sure everything is good before we get going.
Matt:	Howdy everybody.
Theo:	By the way, we have a guest here. You might have heard of him. And if you haven't, you've probably still heard of the things he has done. Yes, live in person. We're both in SF. Why not, right?
Matt:	Hey thank you so much for doing this. I really appreciate you hopping on last minute and everything like that so like -
Theo:	Sure, sure, sure. Regardless, it was awesome that you were down to come through. It means a ton. It's clear you want to be sure everybody actually understands what happened. And I want to take the opportunity to chat with you and clarify any things that I might have gotten wrong, as well as try to get some really solid answers to some of the questions that people have concerns about.
Matt:	If y'all want to follow me, I'm at Photomat on Tumblr, Twitter, and my domain is ma.tt to check out my WordPress blog.
Theo:	That just reminded me, you own Tumblr, don't you?
Matt:	Yeah, we do.
Theo:	Love that.
Matt:	So we got uh besides WordPress. We got Tumblr Pocketcast Simple Notes Beeper Text Day One uh we have a lot of other apps and then on WordPress. We've got like uh Wordpress Through Commerce, uh WordPress VIP which hosts like white house.gov uh what else uh and then a bunch of plugins like Sensei and other things that like aren't off of WordPress.
Theo:	Good stuff. I did not know it was that wide of a collection thing.
Matt:	Yeah, actually, it's that's um part of the reason WP Engine actually makes more money from WordPress than us WordPress is only about half of our business.
Theo:	Interesting. I hadn't thought about it that way. Well on that note, I think the first question actually leans into this. You are the sole owner of WordPress.org if I recall.

Matt:	Yep. Yep
Theo:	What is the relationship between WordPress.com; WordPress.org and the WordPress foundation in you? Like can you give us an overview of how the structure here works?
Matt:	<p>It's a little complicated. So yeah, we'll start there so - when this by the way, this all just started as like open source brand, no one knew what this was gonna be big. I was 19 years old, it was 21 years ago. So how it is currently set up and how this has evolved is so there is a WordPress Foundation, which is a non-profit, that was created long after Automatic and WordPress.org. So uh what started first was WordPress and then WordPress.org website, I just registered that, it belongs to me. Um a few years later I started Automatic as a for-profit. Originally the WordPress trademark and everything belonged just to Automatic. And also I did not you know control a majority of the shares or the board or anything like that. So Automatic had investors and everything. Um years later, I basically negotiated with all those to take the trademark out of Automatic and move it into a non-profit foundation. So we created a 5013C. Interesting, the foundation uh to be approved by the IRS um does not, the purpose of the foundation is not to develop WordPress code. It is for education. So that's why we do word camps and educational things. If you look at the finances of the foundation, um the actual foundation has no employees or anything. I think we got 23 grand in donations last year. Basically we spend a few grand on auditors and lawyers and stuff. Well, at least we used to only have to spend a few grand. WPMG might make us spend a lot more. And then we we re-grant all the rest of the donations out to things like Black Girls Code or different things to get more people involved with coding and education and purposes. It also has, gonna make this a little more complicated, a for-profit subsidiary of the foundation, which runs all the word camps. So there's these things called word camps. They're community organized. Um the big ones have thousands of people and there's small ones in different cities with hundreds of people. Um as you know, putting on events, we can't ask volunteers to have insurance for a 2000 person event on their personal thing. And also because people sponsor this, it can't be when the sponsorship rules for non-profits are actually very strict. So they couldn't say in their booth, like, we're the number one host or fastest or something. So that's why we created this for-profit subsidiary. Kind of like there's a Mozilla Foundation and a Mozilla Corporation.</p>
Theo:	Or like OpenAI?
Matt:	<p>Oh, well, that's a whole other that's a whole other can of worms. But um so that's called the WordPress, I think, community services. That's a for-profit. That actually, if you look at it, I think has like five million a year running through it. But it's just run, break even for the events. Um so WordPress Foundation holds the trademark. It has two licenses that's given out. A commercial license to Automatic, uh which uses it to run WordPress.com. Automatic can also sub-license that trademark to others um for a fee.</p>

Theo:	So the WordPress trademark, although owned by WordPress.org and the WordPress, sorry, WordPress Foundation. Owned by the WordPress Foundation. The WordPress trademark has been licensed to Wordpress.com and Auttomatic, which then does all further licensing.
Matt:	So all the commercial stuff Auttomatic has a license for them. And I, Matt Mullenweg have a license to run Wordpress.org, which is, um, if you look at what Wordpress.org is actually huge. So we provide, you know, hosting for the 60,000 plugins and themes. We provide the update servers, um, we had to Open Verse. So we actually, uh, got open verse from the creative commons that the creative commons search, we now host and run all that. So all creative commons search things, uh, that's all run through there. Forums, Slack channel for 49,000 people. There's a pro Slack version. So like we do a lot of Wordpress.org and, uh, yeah, that's me. So those are the two. So I've kind of that like license run Wordpress.org and then Auttomatic as a commercial license.
Theo:	Yeah. I think that the big point clarification here that is actually like helpful for me as well is that Wordpress.org is not part of the Wordpress Foundation that is yours and all commercial licensing for Wordpress is not done through the nonprofit. The only commercial license is are Auttomatic's. And then that is sub licensed to others.
Matt:	We could not get Wordpress.org being part of the foundation approved by the IRS. Because when you think about it, Wordpress.org benefits a lot of companies. Not just Auttomatic, but like every other host that's built on Wordpress. Um, so, uh, because nonprofits are like a taxing, they're like, oh, well, wouldn't you just put everything into this tax free thing and then you get all this R and D for free. So that's why it has to be separate.
Theo:	Interesting. So what is the like licensing agreement look like between Auttomatic and the Wordpress Foundation? Like, is there like an on the books, like financial exchange for that? What's the -
Matt:	It's an exclusive because Auttomatic owned the trademark. So basically it put the, it gave the trademark away and it kept the commercial rights. So remember it was, I had to negotiate all this because at the time I was 20 something I did not yet control Auttomatic and do all that sort of stuff. So...
Theo:	So very interesting I that that's a really good context to have that the license started at Auttomatic the WordPress foundation was formed to be the owner of the trademark and then the license for commercial stuff was kept there. So...
Matt:	I say the reason I did this is because again 20 something I was like well what if someone buys Auttomatic or the investors kicked me out or something like that like if Auttomatic goes evil how do I create a balance check and balance so by the way I or Auttomatic could lose the license uh the licenses if the WordPress foundation determines we are not good stewards of the WordPress trademark and um the

	<p>foundation has three board members. I'm one of them so if two of the three decide that Automatic or me are not good stewards of the trademarks we would lose our license. We'd have to rename Wordpress.org or Wordpress.com.</p>
Theo:	<p>Very good to know. That's, who are the other two board members if you don't mind us asking?</p>
Matt:	<p>Mark Gosh and Shell Farley.</p>
Theo:	<p>Very good context to have. I, how do I wanna dive into this next part? So, the boundaries are much clearer now. That was one of the most complex things. As you said, the relationship between all of these things is complex. The WordPress Foundation could take away stewardship of the trademark. And then there's also the problem of the government where if the trademark's not being meaningfully enforced, then it can become a generic term, which could then cause you to lose it regardless. I know this is why a lot of companies like Nintendo are as harsh as they are about their trademarks because the risk of losing it is great enough that they will squash anything that might hurt it there. On the other hand, there are a ton of places where the WordPress trademark is being used in ways that are on the line, like WP GraphQL, which is an open source project, or the WordPress pages and hosting offerings on GoDaddy. I'm curious where you mentally draw the line for at what point is it worth taking action for something using WP or the WordPress name?</p>
Matt:	<p>Yeah, so when it's confusing to consumers. So, no one goes to WP GraphQL and thinks it's us.</p>
Theo:	<p>I honestly thought it was part of the WordPress core initially, like the WordPress like core set of things that are maintained in the WordPress project and was surprised to learn that it wasn't.</p>
Matt:	<p>It might become, we have things called canonical plugins or community plugins, which are kind of like official ones. It might be someday, um but right now it's not. Uh so, yeah, when it's confusing the marketplace. So, I can't tell you how many times I get support requests for WP Engine, like people contact me because their site is down. We have lots of examples of people posting their Reddit, like, hey, my WordPress engine is down. And in fact, all the people mad at us for cutting WP Engine off. Why are they mad at us? They've never paid us a dollar. WordPress over a dollar. They've paid WP Engine for service.</p>
Theo:	<p>They're mad because that change hurts the users more than it hurts the platform. Like the and that's one of the things I wanted to talk about is that that move, assuming the best possible faith and intent from you, with the goal being to not give WordPress to not give things from WordPress to WP Engine for free, when they are in your belief not contributing fairly back, if the goal was to alert their customers of the severity of this, would having the cutoff date initially not have</p>

	been the exact same objective completed without having the immediate potential harm?
Matt:	So WP Engine knew this was going to happen because I told them when they decided not to negotiate or do any engagement for a trademark license uh that they were going to be banned from all WordCamps and community events and banned from WordPress.org. So they knew this was going to happen. It's their responsibility to communicate to their customers. And I think it's, you know, I don't know.
Theo:	I hate to like be in the weeds on it, but do you have records of those communications you'd be able to share later off stream so I can confirm or deny like that these actually happened off the record, like I won't share the actual communications just by yes or no, if I feel like this is a fair representation of the communication you had.
Matt:	What I can share with you is the term sheet that they got on Friday morning, um which spells out them being banned from community stuff. And also that they had the option to either pay Automatic for a trademark license or donated in kind hours. So they-
Theo:	So that was yesterday was that or the Friday before?
Matt:	The Friday before. So, and by the way, this was the result of more than like a year and a half of negotiations. Uh I can find the exact dates. We've had other proposals to them in the past. They've had many, many opportunities to do this. Uh kind of came to a head at the word camp, but they've just been delaying for so long. We've been trying to do a deal for ever. You know, that's why I've had so many meetings and spent so much time with Heather and Lee and other people, so. Yeah.
Theo:	I, if there were records of any of these specific conversations happening, I know that a lot of people feel as though this was kind of sudden and optically, externally, it absolutely was sudden. In particular, the decision to ban them from doing updates on Wordpress.org was, it it felt retaliatory to the legal action that was taken. In fact, you even communicated about it as though it was retaliatory to the legal action taken saying that if they are suing you, you don't want to work with them. There was no indication until this moment that this was a thing that they specifically were told would happen.
Matt:	They have insisted on most of these meetings being in person or calls. So, but I do have the record of this term sheet and I'm happy to show it to you right after the stream and everything, so.
Theo:	Awesome, really appreciate that, just to be as clear as possible with these things.

Matt:	I can show you the email they got and who it went to. It went to Lee and Heather and everything.
Theo:	Yeah, just the date. The time it was sent, who it was sent to, and what the contents were roughly is enough for us to have that confirmed, but I know just like from going through the responses to other interviews.
Matt:	[cross-talk] Do you want to do this right now?
Theo:	No, we can do it after us. No worries then. But yeah, I think the timelines for these things are really important in having confirmation that these. So remember for this, it feels like the reason a thing happened is a thing that has been shifting throughout this whole ordeal where the reason that the WordPress.org access for plugins and updates was cut off was originally because they took legal action and you wanted to not be doing business with somebody taking action against you. Now it is that this was originally communicated as part of the negotiations that fell through and these shifts are a thing that have people struggling to trust what you have to say and I just want to make sure that we can identify the core path from start to finish of how we get to these individual things.
Matt:	They also, they cherry pick the text messages to publish. (Theo: of course) I would love for them to publish everything. Actually, let me show you. I have my text to Heather um months ago saying you're violating the trademark.
Theo:	Appreciate this, by the way. It's good to have the actual arguments. And again, part of why it's nice to be able to do these things in person. It makes all of this chaos much easier.
Matt:	Okay, July 17th. It pains me every time I get your customers reaching out to me because they are confused by the use of the WordPress trademark and brand. It's really damaging the ecosystem. July 17th, 9.20 a.m. By the way, you can also see messages like, I invited her to my 40th birthday party. I thought I had a good relationship with her. Welcome back, I hope the sabbatical was good. I mean, I'm not gonna read all these messages because, I mean, they chose to publish without my permission, but I'm gonna read my message there. So hopefully that's helpful.
Theo:	Thank you. In July, it was absolutely communicated that Matt was disappointed in WP Engine's branding and the confusion it was causing for people in the WordPress community and WordPress users. That I can absolutely see was communicated in July. The thing that I don't see is the direct link to the potential consequences of this not changing and if that could be established at an earlier point, that would be really, really helpful.
Matt:	10:23 am. This is the term sheet, it's a one pager, it's very simple and see trademark license agreement. They can pay a royalty fee or commit 8% in the form of salaries to employees working on Wordpress core features and functionality. Prohibition on forking and community would be able to participate in word camps

	and everything like that. So, um, and termination, etc. So this is a one pager, it's very very simple.
Theo:	Is there anything in this that indicates that Wordpress.org access and the ability of WP Engine customers to update their things the way they have this whole time was at risk because that's a really important detail that I am not seeing communicated.
Matt:	It's... I agree it could be better in that term.
Theo:	I want to be clear on this. This could be better. This is - I could not have possibly interpreted this this way. Can I read this bullet point verbatim? Is that okay?
Matt:	I'm planning to publish this. So, yeah, go ahead and read it.
Theo:	So this is point four, which is the closest thing in here to indicating the potential issue.
Matt:	It's also the forking thing.
Theo:	Okay so I'll read points three and four, which are part of this agreement. Point three is prohibition on forking. WP Engine will cease and desist from forking or modifying any of Automattic's WooCommerces or its affiliate software, including but not limited to plugins and extensions in a manner that disrupts any partnership between Automattic and its commercial partners. This is in reference to the Stripe stuff for context.
Matt:	Yeah, that's the other thing. Is this not just a WordPress trademark? They're also violating the WooCommerce trademark.
Theo:	So to finish the bullet point, so I have the whole thing verbatim. This is after the words commercial partners. For example, WP Engine will refrain from changing attribution codes included in any software by Automattic. This is because previously the... I believe it was the WooCommerce Stripe plugin? The WooCommerce Stripe plugin had a indicating field indicating who it was coming through, which is something that Stripe uses to attribute what plugins are causing people to use Stripe and they pay a fee to the people who are who that code belongs to. It's almost like an affiliate code in order to allow for Stripe's partners that are embedding it in things like WooCommerce to pay them back directly. And one of the things WP Engine did was change the uh like ID that indicated who the affiliate was that was the partner that made that so that anybody who was using the same plugin on WP Engine, the affiliate fees were going to WP Engine and not to WooCommerce or Auttomatic. Is that a fair representation?
Matt:	Yes. Awesome.
Theo:	So now for point four from here, community. This is the point that is the closest thing in here to indicating that WordPress.org access would be restricted for WP

	<p>Engine. WP Engine will be able to participate in WordCamps and it starts with community. So point four, community. WP Engine will be able to participate in WordCamps and WordPress community events. If you choose the royalty fee, we will attribute a portion of Automattic's 5 For The Future contributions to WP Engine in a public way, so the community understands your commitment to the long-term flourishing of WordPress. Do you understand how there is nothing here that indicates that at WordPress.org cut off?</p>
Matt:	<p>I think that's a fair criticism. That's a fair criticism. So I will say that they understood and hopefully now they really understand. That's why we've given them until Monday night to fix it all up. So...</p>
Theo:	<p>So can we agree that initially it should have been an announcement that that would happen on Monday night? That it would have achieved the same goal and caused less immediate damage and most importantly, burned less immediate trust with you.</p>
Matt:	<p>Yeah. You know, the other thing that they haven't really talked about that I don't think people appreciate is they can't log into WordPress.org anymore. So they need to now find some way to host and distribute all their plugins. So they haven't talked about that. Their plugins, everything's basically frozen. That's uh they have to figure that out. There's two million installs of advanced custom fields. Um, they need to figure out how to get all those people updated using their own update servers and everything. So..</p>
Theo:	<p>And you understand that the immediate group that is harmed by this isn't WP Engine so much as their customers, because they're just as screwed, if if but they can't even do anything about it. Now they're stuck waiting on WP Engine to make these changes.</p>
Matt:	<p>It's the people who spend half a billion a year with WP Engine. Yes.</p>
Theo:	<p>I thought their revenue was \$400 million a year, but that's all of them. That's a lot of people who have a \$5 a month site that they're hosting for their barber shop that's now potentially insecure. That's people who are hosting websites for a retirement home. That's people who are...</p>
Matt:	<p>I don't know exactly. They can publish your revenue if they want, if they want to correct that. My estimate. Yeah, you know with a 1.5 million sites they claim the host is half a billion so that's just me guessing so that's that's my opinion Yes, they can correct that if they want to get if it's 400 and they were only doing 40 hours per week I think that's still bad. It's a hundred and they were only doing four hours a week. That's pretty bad. So...</p>

Theo:	One more point I think it's important regarding the agreement there .It was very clear that their options were either to contribute 8% of the revenue or 8% of their Equivalent of revenue in engineering time spent and it said.
Matt:	Or any combination.
Theo:	Or any combination. Yes. Thank you for the clarification there. Can we agree that a sudden 8% cut in your business's top line is something that takes a lot of time to plan around and potentially eat.
Matt:	So this was based on an analysis of their business, which I can't comment on because I think it'd be covered by NDA and other things. But I think it's safe to guess that they would still be profitable to the tune of tens of millions of dollars for your cash flow per year. And you understand business. So you know what that means, even with this licensing fee. So yes, would they be less profitable? Yes. But they would still be very profitable more than. Even then we, we're not, we're kind of break even right now. We plow us everything back into development, everything back into open source. So like...
Theo:	On the topic of contributing back. I have two directions I want to go with the contributing back part. I think they're important. The first is what qualifies as contribution. And the second is at what point is WordPress not in need of additional contributors. So I want to start with the first one, which is the ecosystem around WordPress. I brought up WP GraphQL earlier. WP GraphQL is a plugin that is used by a lot of people and find an easy way to, I didn't take the time to look into the numbers, but I know it's uh well regarded and well supported like part portion of the ecosystem. I know Gatsby was really involved with the two, which is a framework that I'm deep in the lore of as a JavaScript and React person specifically. I know that when I looked at the commit charts, the person who wrote over 90% of the code for WP GraphQL is an engineer at WP Engine.
Matt:	I think they acquired it. Yes.
Theo:	Uh, I don't know what the order of events was in terms of that individual working at WP Engine, but the majority of the continued support and maintenance of that plugin is coming from WP Engine. We can agree on that, right?
Matt:	Yes.
Theo:	Awesome. I didn't look to see if there were too many other examples, but I wanted to start with this one in particular. Does contributing to the ecosystem outside of repos that are on like the WordPress or WordPress community projects in your mind count as contributing towards the WordPress community as a WordPress developer?
Matt:	Okay. You just made that a nuanced question. So I'll say we have this program Five For The Future. And what would count is who owns the plugin. So yes, we'd make

	<p>the Jetpack plugin. I think it benefits WordPress a ton. We don't count that as a Five For The Future contribution because we own it. So if WP Engine wanted to make WP GraphQL owned by the community, then yes, their contributions would count. They could make it a community plugin. If they own it and they use it to promote their paid services, then it's part of the ecosystem, but it's also just promotional. So they could, by the way, they could also donate like something like advanced custom fields would be awesome for core. Um, they could contribute that. Automattic has taken lots of features we've developed in Jetpack and WordPress.com, taken it out of our paid stuff and then put it into core. So it belongs to everyone.</p>
Theo:	<p>Do you have any examples of WP GraphQL being used to promote WP Engine? Because I'm looking now at like the GitHub repo and their website. and they put Gatsby before WP Engine, which is the only instance of WP Engine on the GitHub page, is special thanks to Gatsby, a dead framework, and WP Engine for allocating development resources to push the project forward. Other than that, there is no indication that WP Engine is being used to benefit being used to drive customers to WP Engine directly. And on their website, it is similar. There's an impossible-to-read, because their CSS Stux, tiny WP Engine link at the bottom, that is almost the same blue as the page, so literally can't even read the promotion.</p>
Matt:	<p>Okay, so Automattic makes simple notes. It's free for use. Should that be counted as a community contribution on WordPress.org, because it's free? I mean, companies can give away free things to improve their image for marketing for other reasons. Um, it kind of burnishes their image. But should Simple Note count as a community contribution? Because it's free.</p>
Theo:	<p>I'm not familiar with Simple Note.</p>
Matt:	<p>It's a Notes app. It's free to use.</p>
Theo:	<p>I think if that Notes app is built specifically around the WordPress architecture and ecosystem, and is used by a significant number of WordPress developers and not useful to people who aren't using WordPress, where if there's a Venn diagram here, all WP GraphQL users are WordPress users.</p>
Matt:	<p>Yes, they are all using WordPress.</p>
Theo:	<p>How about the Jetpack plugin?</p>
Matt:	<p>Yes. Jetpack plugin.</p>
Theo:	<p>I think I would be totally okay with being included as part of WordPress core and counting as one of those contributions.</p>
Matt:	<p>And the WooCommerce plugin?</p>

Theo:	Can the WooCommerce plugin? Yeah, I would say so too.
Matt:	Okay, if we were to count those things, our contributions would not be 4,000 hours a week. Yeah. It would be tens of thousands of hours per month.
Theo:	I'm okay. I don't think the...
Matt:	I mean, it would make us look better.
Theo:	But I don't think the dick waving contest of how many hours a week is particularly meaningful. I can go into why in a bit, but I want to focus in on this point of... There are lots of ways to contribute to an ecosystem. And I think we've kind of arbitrarily defined the lines at which these that finish and success to the point of view to your own detriment to an extent too, because I think the Jetpack plugin is something that I would consider contribution to the WordPress ecosystem. And I would consider that within the hours that you're counting. I think that's totally fair. I would draw this line in a different place.
Matt:	So let's call that the Theo standard. So you said they have one engineer on WP GraphQL.
Theo:	Two engineers, but the main engineer that contributed over 90% of the code is a WP Engine employee. And then number four, who is the second most active over the last month, but the fourth highest contributor of all time, they are also a WP Engine.
Matt:	So let's say now under the Theo standard, they're contributing 120 hours a week instead of 40. Do you feel like that is fair for a half a billion a year, roughly?
Theo:	Depends on what they're spending their money on. I don't like to compare in these ways. Like I don't look at the percentage of how much money a company makes against how much time they're spending on open source stuff. I want to kill these blanket statements of they don't contribute anything to the WordPress community.
Matt:	So let's say Automatic under your standard is now contributing eight to 15,000 hours per week.
Theo:	Yes. I would be surprised if Automatic was contributing less than like 20 to 30% of its resources revenue and everything else towards WordPress. I would be surprised if it wasn't in the same sense that like Vercel, for example, I would expect that they're contributing probably 20 to 30% if not more of their efforts into Next.js.
Matt:	Yes. So just be clear, I don't agree with your standard. But under the Theo standard, we're doing 20 to 30%. I think that's good. And we asked them to do eight.
Theo:	I don't think the amount that you put in like if I was to go run 100 miles, I can't then demand everybody else runs 10 miles just because I go really far doesn't mean I

	can set these demands and expectations outside of what I have done, especially in an instance where this is an open source community, especially when there is no standard set by any others. Like are there any other companies that are contributing 8% of the revenue to WordPress right now?
Matt:	Easily. Yeah. So but okay, if Lee and Heather want to negotiate these contributions being recognized, pick up the phone. Call me. Happy to talk. So, sure. Happy to negotiate that with them. But currently, under the current standards published with Five for the Future, it only counts if it belongs to the community to the comments. So it needs to be a community plugin or a non-commercial plugin. So commercial plugins are not counted.
Theo:	So what companies are currently meeting this either the 5% for Five for the Future or ideally if there are any the 8% for the trademark negotiation that you showed me?
Matt:	So all the Five for the Future stuff is public. I would say one company that was quite impressive is Yoast. I don't know their exact percentage. I don't want to speak to exactly, but they were pretty amazing for how they would actually do like community days, so like the whole company and we get together and do contributions. There I just published, there's a Neil at Multidots, said, hey, I realize we're not contributing enough, and you made a public commitment to try to get them to 5%, so that's awesome. And yes, you can't do it overnight. They could write a check overnight. They have the money in the bank. Um or they could hire the people. They've taken a little longer. Happy to switch out over time. But yeah, you can aim for it. By the way, Five For The Future is not required, right? It's just inspirational, you know? And it's self-reported. It's not like we're even auditing this. So it's just what they are reporting their own contributions. So they get to choose, by the way, their hours. Each individual profile has to set their hours.
Theo:	I think the thing that's hard for me is there is no precedent for this anywhere else in the open source world that I know of or can think of. I'm curious, is this a thing you've seen other communities do or try and have success with enforcing?
Matt:	WordPress is extraordinarily unique in the open source world. So uh the fact that we have grown so much, there's been so many successful businesses created without the license changing, or any of the bad stuff that normally happens, the commercially successful open source project.
Theo:	And then you would argue this is the bad thing starting to happen.
Matt:	In 21 years, I've never had a problem like this with another host. I don't expect it with, and you ask, I don't expect it with anyone else, and you ask like, what about these other people? I've emailed with other CEOs, I have good relationships. I am not aware of anything else as egregious. If you want to send me some examples, I'm happy to check it out, but like.

Theo:	What is the egregious nature? Cause it seems like there's a couple different things floating around here. There is the confusion of WP Engine users and thinking it is part of like WordPress and it's not. There is the amount of money that they are making relative to the amount of time they are contributing. And there is the expectation of them paying this 8% trademark fee.
Matt:	Yeah, so what's a moral issue versus a legal issue? So I think the contributing is a moral issue, right? So you're right. There's no law that says this, there's nothing. The legal issue is the trademark and it's the WordPress trademark and the WooCommerce trademark, which by the way belongs 100% to Automatic.
Theo:	So the thing that people feel is that your strict enforcement of the moral argument is being done through this more legal argument. It's almost like, it almost feels a bit retaliatory. I actually really felt that when I was watching the interview with Primogen, where it felt like you're, I have the exact quote actually that I put in my notes if I can find it really quick, it was.
Matt:	I mean, yes, I mean, this is my life's work. They're a private equity firm. They bought into this a few years ago. They're gonna be out in a few years. This is what I'm doing the rest of my life.
Theo:	So the exact quote was, there's a law about trademark. So that is the law that we are using to ask them to give back. Is that a fair representation of your stance on this?
Matt:	Was it Al Capone who went to jail for tax evasion? Sometimes you have to use the laws available to you to get someone for their bad behavior.
Theo:	So the concern people have is that the law you were using here could also be used to hurt a lot of players that we would both agree are absolutely without any question good faith players in the space. The violations you are going after them for are things that a lot of other companies are likely more or less egregiously doing. I've seen plenty of that or more, plenty of that or less, but there's a lot of places the WordPress name comes up that are not officially WordPress. Oh, Kat wanted to come say hi.
Matt:	Is this Miles or Murphy. Hi Murphy. Sorry, I got a little distracted there. You said earlier about trademark law, if you don't defend it you lose it.
Theo:	But for 21 years, have you had to defend it before?
Matt:	Yes. And the other thing is what people might not know about trademark law is kind of the legal rule the threshold for confusion is 15 percents So that's just one and six. It's not saying everyone confuses WordPress engine t.o the engine. It's one and six We did you know part of why we feel like we have a really strong legal case is they did like a survey a panel and stuff like that. We found 27%, people were confused.

Theo:	Interesting. So if they were paying the license or if they're paying the trademark fee, would the confusion be okay?
Matt:	Yeah, they'd be paying for it. Okay, so and there's other hosts I mentioned new fold digital Which is a large by the way, private equity owned company. They have a trademark deal. So there are precedents for this in the market and I hope to do more of these in the future. So I guess what I like to do more of these, absolutely. So use it to fund more WordPress.
Theo:	To be very just like draw this line. The confusion is okay. If they are paying for the trademark and the random support requests you get the people who are confused like your mother. That CWP Engine and assume that is an official WordPress thing that that becomes okay by paying for the trademark.
Matt:	I don't know if I'd agree with the phrasing the confusion is okay. Yeah that they would have the rights to use a trademark in a commercial way if they were paying for it. So that's all we're asking is for a commercial license. There's lots of ways they can use a WordPress trademark and many people do like WP graph QL. Totally fine with you know, I don't think that's confusing to customers or anything. All right, I did the example on their home page and anyone can do this. So go to WP Engine. Yes, please visit their page. You know do command F. Mm-hmm for WordPress. Yep search for WordPress. How many times does it come?
Theo:	I think it was over six- fifty six fifty six on the home page.
Matt:	Yeah, fifty six on the home page. Or at least when I did it earlier today. Search for engine, right? So what's the biggest part of their brand name? It's the WP Engine.
Theo:	I'm getting 31 and 26 for engine.
Matt:	They might have changed it.
Theo:	By the way I can archive.org it.
Matt:	They've been changing their web page a ton. You see why because you're also using is that safari.
Theo:	No, I'm using arc Arc yep, I'm gonna go back to June which I think is relatively safe.
Matt:	Well, let me just show you what I did so you can see it. It's clearly concerning the numbers when I did it others are getting 56 interesting. Okay.
Theo:	Okay. Look I just got 56 Yep, take a look at this others are saying 56 in chat. So yep checks out I don't know why it was it might have been cuz I was on a smaller screen size. I zoom in everything a ton on my computer an engine.

Matt:	So it was 14 this morning right now. I'm getting 26. So but you know, yeah. Yeah, so when it was 14, I made the point that it was 4x. So they're actually WordPress four times more than Engine on their site and look at the – We power the freedom to create on WordPress. Most trusted Wordpress platform by the way, they even have a plan name called core Wordpress. How confusing is that? Like they're selling core Wordpress.
Theo:	I don't think that's confusing. It's if the platform is a Wordpress host and they call something core Wordpress I personally don't find that confusing like when I I come from the like like the video game.
Matt:	You're part of the pretty smart probably, you know 85 percent –
Theo:	When I was 15 years old and I was buying server hosts for Minecraft. When I bought the Minecraft core plot or uh, there's a literally a plane called like core Minecraft. I specifically remember I don't remember what host it was on but I never in my wildest dreams thought that this was an official thing that was being run by mojang. I personally find this argument really strange that said we have a whole live audience here. I'm down to poll them quick. So I'm curious what the general audience feels
Matt:	particularly people in the Wordpress community. So in Wordpress we talk about core Wordpress is kind of the core open source software a lot. So but yeah Let's see the poll. This is kind of fun. I like that we're doing this live by the way. Thank you
Theo:	Of course happy to do this live and have people and their thoughts. Oh, that's amazing
Matt:	And thank you to Murphy for coming in uh comforting me. Oh that's amazing.
Theo:	Yes and Buddy worst possible positioning my guy You just pulled focus, Murphy. Hopefully it refocuses. Uh, yeah, it's refocusing on at least on you um people are saying the core Wordpress plan name is confusing. You got 60 saying it's confusing cool. So I'll cave on that point happy to do a poll and see how they feel. I personally didn't find it confusing. But yeah to each their own. That said this does lead us into fighting for finally getting to my second question here, which is regarding the many hosts that support Wordpress. Something that feels particularly weird here. We can agree that there are businesses that are making more money hosting Wordpress servers than WP Engine. Like Go Daddy probably makes more money off of Wordpress customers.
Matt:	If I had a guess they are right now the biggest in the world.
Theo:	So from my numbers researching-

Matt:	Because GoDaddy I think has more sites but they charge a lot less per customer.
Theo:	They made 3.8 billion dollars in 2021. If we're going by the internet split averages 43% of websites of WordPress, if I recall around that 40 to 50 yeah assuming 30% of that number it's still twice the amount of money that WP Engine is making.
Matt:	I mean GoDaddy is public so we can actually look this up, my understanding is they host like or they register like tens of millions of domains the largest domain register in the world so they have a huge business they're huge SSL business. They do a lot of non WordPress hosting so they have like a website builder e-commerce and everything like that, so I don't know if they break out publicly how much they make from hosting. But let's just say just take their hosting costs and then you could probably apply 43% of that –
Theo:	Would you be surprised if GoDaddy was making as much, if not more, off of WordPress customers than WP Engine was.
Matt:	So, the funny thing is we have had beef with GoDaddy in the past, when Lee Whitlinger was on their board. We have now come to, I think, a good relationship with GoDaddy. In fact, I emailed their whole exec team yesterday. Very nice email saying, like, hey, we're good. I don't want them to get freaked out, so. So, yes, do they make a lot? Yes. Do they give back more than WP Engine? Yes. Are they doing anything that's as confusing with the trademark? Not to my knowledge. I've never gotten any support emails about GoDaddy, so. So, GoDaddy is a pretty unique brand.
Theo:	Time for the sinker and the hook line and sinker. Is it fair to say that WP Engine is being penalized for betting on WordPress more heavily than the other providers that we're talking about?
Matt:	I don't know if I agree with that framing. So, have they, are they being penalized for?
Theo:	For focusing their efforts on WordPress instead of other solutions.
Matt:	Well, to be clear, from a legal point of view, they're being penalized for violating the trademark. So, that is where I believe our legal standing is.
Theo:	Yes, but we already had the quote from before of you using the law as a method of enforcing what you believe to be, like, unfair things that they are doing. And on top of that, a lot of the same trademark violations could be issued against a company like GoDaddy. And this is one of the first, if not the first times is being enforced in this way. It is absolutely retaliatory.
Matt:	So, in 21 years. Do you wanna know how every other enforcement has gone? It's a conversation. It's a single email. It's a picking up the phone. People change what they do or they do a deal. This is the only time I'm aware of. No, we've done other

	<p>seasons of this. So, I will say we have taken other things down. We actually just a pretty successful one against, is it called Festinger? Do you know about this? It's pretty, there was a site that what they did is they took every single WordPress plugin in the world and all the pro versions and they nulled them. And they uh they were just selling it all for like 200 bucks a year to get like all every single pro version in the world. And again, not a legal, so legal under the GPL, but they weren't changing the names. So they were selling their customers pro plugins with uh the licensing stuff, no doubt. And so we were able to use the trademark basically to shut them down. So that's that just happened in the last few weeks, I think. So that's another example. Yeah.</p>
Theo:	<p>So there has never been an instance of -</p>
Matt:	<p>So this is the first C and D. I think we published yes, and if you read the C and D. It says exactly what our claims are so and they haven't filed a lawsuit that their C and D was basically like censorship. They're like stop saying mean things about me and take all your posts and tweets down, which is kind of lame. Ours says you're violating our trademark, so uh these haven't yet become lawsuits or legal cases. Um but they have done the preservation request and everything which is a huge pain in thought if you're familiar with all that.</p>
Theo:	<p>Yeah, I will say that of all of the cease and desists I've had to file which I've had to do, most of them are not a trademark violation. They are egregious things like if they are perceiving this as an unfair attack on them which I can understand why they would filing a C and D to emphasize that we are covering our tracks and plan to potentially enforce like our legal right to defend ourselves and protect ourselves from potential damages from these misleading claims. That is absolutely a thing that exists in the world I understand that it is not as clear-cut as a trademark violation case. But you can absolutely file a valid cease and desist that is because somebody is saying egregious things about you and your business. That is totally fair fine, and how the legal system works in the United States.</p>
Matt:	<p>And there's free speech laws as well. First amendment. So if they believe anything I have said or published publicly is not under my First Amendment rights. Please sue me make a lawsuit. They haven't so do that.</p>
Theo:	<p>But the first step is to do something like a cease and desist because ideally. You would stop they would pay everything's done but that is from some of the text that they received I can understand why they would feel as though you are choosing to damage their reputation as part of a business negotiation practice and that is absolutely something that can go to court.</p>
Matt:	<p>Then they should. And uh they're again Silver Lake is a hundred and two billion dollars on the management. Yes, they're very familiar with using legal bullying against people, which they're attempting to do against me. I am glad to be fortunate with Automatic and other things to be able to defend against this. And so I'm</p>

	fighting them. Yeah, I'm sure if I wasn't if Automatic wasn't as good a business as something, yeah, we just crumple under this. That's what they do. They bully.
Theo:	So to go back to the point I was trying to make with the focusing in on WordPress, there's a lot of companies that focus in on technologies around them in the space. I have a thing called Upload Thing, which is a better way to do file uploads and object storage management stuff for people who agree S3s, agrees, and obnoxious. And we our whole branding was the best file uploader for Next.js. And it launched the same day that Vercel launched Vercel Blob, which was their storage product. And we had more NPM installs for quite a while. We were winning for a bit. And this actually strengthened our relationship with Vercel. And despite using the Next.js trademark all over our products that has done nothing but build a stronger relationship between us because it is seen as us promoting Next.js as much as it is seen as us being part of the Next.js ecosystem.
Matt:	This is a great example of trademark law. So best uploader for Next.js. I'm not a lawyer, but I think that's fair. If you called it Next.js uploader, that would probably not be fair.
Theo:	There's a plugin named NextAuth that makes a lot of money in sponsorships from companies that are competing with Vercel in many ways that they've never cared about. There's a lot of other plugins like NextUI, which is a company that is growing that is taking a lot of investment money and growing very quickly right now. Nobody cares.
Matt:	So that's up to the trademark holder. I don't own the next trademark. So they -
Theo:	Can we agree that it is unusual in the open source space for things that are published on GitHub, open source license, even if they are 30% plus of the company's money is spent on like furthering this thing, that it is incredibly unusual and unexpected in the open source space for enforcement like this to occur? Enforcement like what you were describing earlier with the pro plugins absolutely makes sense. That I can fully get behind. But this type of enforcement as a method to take a percentage of a business's revenue for using your open source tool is -
Matt:	For using the trademark, not for
Theo:	for using the open source tool
Matt:	They're free to run WordPress. It's all the GPL license. So we're not saying they can't run WordPress. They can host their, by the way, they can host their own copy of WordPress.org. Everything on there is GPL.
Theo:	But we agreed that if they were contributing enough to WordPress, like the repose on GitHub, that you wouldn't be trying to enforce this trademark.

Matt:	By the way, I don't have to offer them that option. But I could have just said you have to pay us or else. So I gave them the option. I don't know because I'm nice or because I believe in open source, but like I don't have to do that. They are violating the commercial trademark. That's the only thing that's...
Theo:	And I think we got a straight answer. Is there any other company paying the 8% of their revenue fee for the trademark right now?
Matt:	This is all covered by NDA's and stuff? There are other companies?
Theo:	Okay. Yeah, whether or not there is a company that is paying 8% of their revenue is not NDA. The existence of a company or more that is doing that should not reasonably be covered under NDA that I could, that I've ever read.
Matt:	So if that's what you're trying to box me into saying, no, there is no one else paying 8%. So, yes. Are there other people paying things I think are fair? Yes, so.
Theo:	And also to be fair, WP Engine may have negotiated the rate down to something that you could have mutually agreed to. Would you have been potentially down via negotiations to lower the rate?
Matt:	Totally.
Theo:	Yes, okay. So both sides, whatever, I do think it is fair to note that there is no other company paying 8% of their revenue to WordPress for trademark license.
Matt:	You know, what's funny now is they can send by the way they can make this all go away by doing a license. Interesting question is whether now after all the terrible stuff they said about me smearing my name the sort of dark pr cat tactics are doing. You know, maybe more than 8% is what we agreed to.
Theo:	Stop digging man. I'm trying to help you like make things clear and dig out and you're we need to stop going deeper.
Matt:	I'm not digging. They have taken my life's work. You know, I've spent 21 years on Wordpress. I plan to spend the rest of my life on it. They've come in private equity. They've you know screwed up our community. They've taken revenue they give nothing back like. So I feel strongly about this. You can see I'm getting worked up now.
Theo:	I will say specifically that we have described instances where the general community is benefiting from WPN Gen at the very least through wpgraphql and I'm trying to look into more examples because I figured having one concrete example to push back on that. They contribute. Nothing thing was enough.
Matt:	I never said nothing I said 40 hours and now under Theo standard it's 120 hours.

Theo:	So you just said contributing nothing. It might have been like just speaking saying it quick, but you did literally just say to contribute nothing to the community.
Matt:	Okay, so let me correct that. Yes. Okay, so contributing very little, okay. 120 hours per week under Theo standard 40 hours a week under the Wordpress.org standard.
Theo:	Okay So the other thing
Matt:	Thank you for correcting me.
Theo:	So I want to go down the private equity path but I want to finish up the contribution path with one more point that I consider important which is is there a point at which there are enough people contributing to Wordpress open source projects that are part of the Wordpress like community repos and whatnot, where more people contributing would hurt like the too many cooks in the kitchen?
Matt:	Oh, that's a good question. Before I answer it. I do want to say thank you for calling me out. No, I appreciate you're holding me to a high standard, I deserve it. And I also want to say that I'm open to changing my mind when things are being pointed out. Or if your poll said like, no one thinks core WordPress is confusing, yeah, I'd have to update my priors. So I'm open to changing my mind.
Theo:	And I am too, that's why I did the poll. It's like, I have this thing that I pretty strongly believed that others wouldn't agree with and I was wrong. I'm gonna stop pushing that point.
Matt:	Okay, so your question was-
Theo:	Is there a point at which more contributions to WordPress would no longer be benefiting WordPress directly or the community and potentially could even hurt like the too many cooks in the kitchen problem?
Matt:	I mean, yes, potentially, but I will say there is so much to do because you can, by the way, it's not just code. You can contribute translations, organizing word camps, meetups, marketing. We allow like a whole variety support forums, answering, helping users in our free forums, like all these things, they all account for five of the future. So we try to make it so anyone, on whether they can code or not can really be involved in the community. So
Theo:	Would it be fair to add external open source projects that benefit all WordPress users to that definition of contributions?
Matt:	And let me clarify here because I think people get worked up when I talk about the Five for the Future contribution versus general contributions. So I would say, literally, everyone who uses WordPress or tells their friend about it is contributing in some ways. If you just have a WordPress site and you tell your friend, hey, I like

	WordPress, awesome. You just contributed. So I personally have a very, very broad view.
Theo:	So would it be fair to say having your –
Matt:	That's not the Five for the Future definition. So perhaps I should distinguish better in my speech. The Five for the Future sort of counted contribution in WordPress other work standard versus I do believe that I actually think anyone, like I said, super broad.
Theo:	So would betting your billion dollar business entirely on WordPress, pushing it as hard as you can and making it, in your opinion, the best plat - assuming they believe their platform is the best way to host WordPress, which I think it's fair to say they probably believe that, at the very least in their minds, they are contributing to WordPress in the general sense that you're describing. The same way like me telling a friend to use WordPress, them betting their whole business on it is a contribution to the ecosystem.
Matt:	Well, obviously, my opinion is there are better places to host WordPress that are cheaper. Yes, that's my opinion. Two, I will say that if you want me to give them credit, sure, I'll give them credit. So they have gotten 1.5 million websites to pay them to host WordPress. Awesome, like kudos.
Theo:	Can we agree that there is some percentage within there that may not have ended up using WordPress if it wasn't for WP Engine? It's hard to say how much it is, but that there's like, I don't know, like at least 50,000 people that would be slightly less likely to have been on WordPress if WP Engine wasn't one of the companies I said pushing WordPress further.
Matt:	I will say it is more than zero. However, I will say there are literally hundreds of other places that get WordPress the reason all the –
Theo:	But none of them are making their Whole bet and branding around WordPress where another host like GoDaddy has less incentive and does last to push WordPress to its users than WP Engine does and WP Engine is spending money on marketing spending money on press spending money on all of these things to
Matt:	So does GoDaddy, so does blue host and everything. So like let's look at the home page or some of these others. Yes, they have WordPress usually in the navigation they promote it they do that because it helps them get more customers not because –
Theo:	But do you disagree that having WordPress as like the theming for your home page is a bigger confidence builder that it's saying more like we are betting our business on this because we think it is great.

Matt:	So someone else who bets our business on it is word is Blue Host. Yeah, let's look at the blue house website. Everyone open bluehost comm by the way, this is an example of someone who I think is an awesome host that's not I don't own them. Right? So it says WordPress. We're posting domains the first navigation item menu is WordPress. They have a commercial license, so they can call it WordPress hosting. Um it says they have the logo, it says recommended. It says WordPress website creation is easy. So they are betting their company as well on WordPress.
Theo:	But they're also paying the commercial fee, which I think negates the point. Let's say they weren't paying the commercial fee. They got rid of the recommended buy. Would this be –
Matt:	If they weren't paying the commercial fee, I would definitely get in touch with them about this logo, that, this, that, yeah, totally.
Theo:	Okay, so to make the point I'm trying to make here, you don't count this as promotion until they're paying the fee.
Matt:	So they're using the WordPress logo and trademarks in a very commercial way here. So if I came across this and they had no commercial license, um, yes, I would get in touch with them. I wouldn't send a C and D. I would call them up. I would talk to them.
Theo:	The specific reason I'm saying this is irrelevant to the thing I'm trying to bring up right now is I'm trying to point out that even if they weren't paying the trademark, and WPAJ was not paying the trademark, that having a website pushing WordPress this hard is a net benefit to the community.
Matt:	So to give an example, you hover over the WordPress thing here, it says WordPress hosting. So they could call that Blue Hosting with WordPress, but they're calling it WordPress hosting. In a way that's very, I think of the trademark law, this is what would count. But this is also true. If they disagreed, we could go to court and a judge could decide.
Theo:	So there's two different points here we have to agree on. The first is that a website that is a hosting site that is promoting WordPress as its main offering on its homepage, is that promoting WordPress? Is that in any way similar to when I tell a friend, hey, you should use WordPress. Is having your business bet on it in that way, not just it's an option in the nav, but your homepages, we like WordPress, we're WordPress.host.
Matt:	So and maybe we agree to disagree here. My opinion is that they are doing it because they will get more customers because people are looking for a WordPress host.
Theo:	But people are looking for hosts for a lot of things.

Matt:	So Google WordPress hosting and look at all the ads. People are spending probably over 100 million a year advertising on the keywords WordPress hosting. Why do they do that?
Theo:	Because they want to be able to spend their life working on a thing they care about which I think in this case is WordPress.
Matt:	They do it because they get more customers. The companies.
Theo:	Yes, but there's a lot of volunteers. There's lots of things that hosts or there's lots of different things you can host and lots of places. Would they not theoretically be able to make more money if they also support Drupal?
Matt:	So yes they could put Drupal on their home page. Yeah they could put Joomla on their home page. They could. They put WordPress because they get some more customers.
Theo:	But if they put WordPress and Drupal would they lose a lot of WordPress customers?
Matt:	Now, like Pantheon, for example, Pantheon's an example that does both WordPress and Drupal. They actually used to be exclusively a Drupal shop. They've now shifted. So I haven't looked at their homepage recently.
Theo:	But the specific point I'm trying to make here, you don't need to pull up the page, because I think the point I'm trying to make is clear, and if chat can help me clarify on this, like, am I being clear or not, chat? Let me know if I'm being unclear. I feel like I've been very clear with this, that a company choosing to bet 100% on WordPress is in a way promoting WordPress. And if they are not putting other options in, some amount of that is that they don't want the other options. They want to support and be part of WordPress because they like WordPress. I think that is a fair thing to say.
Matt:	I think this is a good example, Pantheon. So Pantheon.io, people want to check it out for another web host? Yes. That supports multiple platforms. They started as exclusively Drupal experience. Yeah, it supports, yeah, governance for WordPress, Drupal and Next, yeah. And if you look down here, they've got logos for all three, yeah.
Theo:	Are they paying the commercial license fee?
Matt:	They do not have a commercial license.
Theo:	Okay. But are you okay with them using the logo because it's being used alongside other logos, which makes it clear that it is not just like, that this is not associated with WordPress?

Matt:	I am not a lawyer. So I would ask my lawyers. If you had asked me on the fly, I think this is fine. Okay. So, but I don't want to be legally held to that.
Theo:	So the two points I want to talk about here are, is if there was just the WordPress logo, is that in support of WordPress? And does adding the other logos, not, I really focused on the first one. So if it was just the WordPress logo instead of these other two, and if we go scroll back up to the top of the page and it wasn't WordPress, Drupal and Next, it was just WordPress, does that not indicate that they are more interested in WordPress than other platforms?
Matt:	So what I would do, because we have some of the top lawyers in the world. I would go to them. So I would go to them and say hey, is this a violation or not? Okay, because you know, I have my opinions. Whatever. I'm not a lawyer,
Theo:	This isn't about the legal this is about your opinions and we're trying to understand how you think about these things.
Matt:	My opinions don't matter legally. So I went to lawyers and said is what WP Engine doing wrong? They said yes.
Theo:	Would they not say the same with Pantheon there?
Matt:	I can ask them if you'd like me to.
Theo:	I would actually. Not like right now or any like time soon. But the point I'm trying to make is the use of the WordPress name and logo is likely in violation in a lot of places.
Matt:	Okay, so as a follow-up, I will ask our lawyers whether what Pantheon is doing on their home page is they would consider worth doing –
Theo:	Not worth doing, if it meets the definition of a trademark violation.
Matt:	Sure. Okay. I'll ask them. We could also run the panel. You know, or do a survey. Why don't you do a survey? Why don't you ask the people?
Theo:	Yeah, ask the people. Do another poll. What is the question?
Matt:	Is Pantheon's, you know, confusing?
Theo:	This isn't about confusion. This is about supporting the ecosystem right now.
Matt:	The question is whether confusion in the marketplace. Remember the 15% threshold. So let's see if 15% of people think Pantheon is 15% or more is, you know, looks like they're officially associated with the WordPress trademark. Why don't we just ask it? Or how do you want to phrase it? How do you want to phrase it?

Theo:	No, no, because it always makes me think that that's not what this is about.
Matt:	Why don't we ask what's going to be Pantheon? Let's do a poll there. Because they're living the-
Theo:	No, so the point I'm trying to make is very focused in on this idea that a host that is focusing on one framework or platform is supporting that one. That is a method of support. Instead of it being a company, let's say a developer. If I was to say on my Twitter page that I am a Next.js, Remix, SvelteKit, and Gatsby developer, or I was to say I'm a Next.js developer, just the Next.js, which of those is promoting Next.js more?
Matt:	Ew, our legal case is about the trademark. I know, but- Not about them supporting or not. So all I'm talking about is the trademark violation.
Theo:	The, it seems like, sure, like what I'm talking about has nothing to do with the legal stuff. I am purely talking in terms of things that WP Engine is doing to contribute to WordPress, that betting on WordPress is a method of contribution. The same way me putting WordPress developer, my bio on Twitter, is a bigger contribution to WordPress than me saying WordPress, React, Next.js, Gatsby.
Matt:	I already gave them kudos and I already said, thank you. By the way, thank you WP Engine for all that. So...
Theo:	Okay, but I just want to push back on this idea that they aren't contributing, because there's a lot of types of contribution, and it's hard for me to believe that WP Engine doesn't- like WordPress and runs a business exclusively focused on it. Like if I was at WP Engine and I didn't like WordPress, I'll be pushing for them to add Drupal and Next and all these other things. But it seems like they like it. It seems like they're betting their entire business and livelihoods on it. I would make the argument that in some ways, it feels as though they're being punished for not supporting other platforms as well.
Matt:	They're being punished for the trademark violation. That's it. That's all we do legally. Yes. Thank you, WP Engine.
Theo:	We've hit the wall on that one. I'm happy to move to the next one.
Matt:	Why don't we do the poll though? I'm curious what your people think. We can do two maybe, one for Pantheon, one for WP Engine.
Theo:	Somebody asked the question, who benefits more WP Engine from WordPress or WordPress from WP Engine? I'm not going to sit here and pretend that WP Engine isn't benefiting more from WordPress. We don't need to pull it. That's obvious. I will absolutely concede that point. The reason I would do polls is to address

	potential confusion in a thing that we don't agree on. The poll I like to do is, can we agree that WordPress Engine is contributing in some meaningful amount?
Matt:	Look what you just did. Because you used WP to abbreviate WordPress, we're saying,-
Theo:	We're hopping between the two, that's... I have...
Matt:	By the way, they do this too.
Theo:	How awesome is it that I made it that long without doing that?
Matt:	Their executives do this, they have it on their page. We have so many examples where on their website, they say WordPress Engine, so like, yeah.
Theo:	That understandable mishap. I... So, technically speaking, when I say JavaScript instead of JS, I'm violating Oracle trademarks, so... These things happen. Yes, that is a thing and there's actually a whole movement right now to get Oracle to drop the JavaScript trademark. Hashtag free JavaScript is a whole thing, I just did a video on it. Ryan Dahl, the creator of Node.js and Dino, is the one pushing it. And the thing they don't comment on that I think is a potential issue for it to quickly deal the art is that... JavaScript being like Creative Commons, open licensed, like the term being public domain, could potentially hurt the Java trademark. And that is an important thing to consider that isn't included in this movement, which I think is important enough to call out that any potential risk to the Java trademark is something that Oracle should reasonably be concerned about. But them owning and operating the JavaScript trademark when they literally do not use it for a single thing, is not... They're not using the trademark, they should be forced out. But that's a whole thing and legally speaking, you cannot have a JavaScript conference. People have been sued for trying. Somebody got sued for doing a... They did a course that was Rust for JavaScript developers. And Oracle tried suing them for it. So...
Matt:	Straymarker notes can be very aggressive. So today I learned, thank you. And like I said, I had never heard of your channel before yesterday. So I think I'm going to follow now because I'm learning stuff from you. So thank you.
Theo:	This is what I'm here for, is nerding out about these deep detail things. But the...
Matt:	Can we ask can we ask what the WP Engine Wordpress engine confusion?
Theo:	Yeah I can do that.
Matt:	How do you want to phrase that?
	Um so could we be confused is one thing but there's a lot of other things I mentioned before like Nextoff with NextUI where people could reasonably confuse it. So and I agree it's reasonably easy to confuse those things if you're just hearing

	about WordPress Engine and you go to their website I could see someone might be confused but I feel the website itself doesn't make it confusing. I'm down for that. How about is the WP Engine website does the WP Engine website seem to indicate that they are an official part of Wordpress or the owners of Wordpress? do I want to put this? Oh, apparently Chipotle is a... If you don't want to do a Taco Bell versus Chipotle poll shut up guys I need to stop paying attention to y'all there was another direction. I really wanted to go in regarding the like state of this Silver Lake We need to talk about them.
Matt:	So how do we phrase that? [cross-talk]
Theo:	- look like it is operated by the people who own and operate Wordpress?
Matt:	That's a little strong. Does it let's say does it feel like an official thing?
Theo:	Yes, does it feel like an official part of Wordpress?
Matt:	That's fair, if you want to phrase it like that, that's fine.
Theo:	Does the WP Engine website make it look like-
Matt:	WP Engine.com, so go with WP Engine.com.
Theo:	Does the WP Engine website make it look, or? WP Engine.com, so go to WP Engine.com. Engine web,
Matt:	We're gonna get them so much traffic. This is probably the most they've got in a long time.
Theo:	This is the best I could fit in the tiny window you have for the poll. So does the WP Engine web look like official WordPress? Is the best I could fit in the tiny window here.
Matt:	And it's yes or no?
Theo:	Yes, No, or not sure.
Matt:	I'm so curious what this is gonna be. Yeah, so again threshold 15% and the way the lawyers do this is they get like a panel and there's a whole legal way to do it it's not a poll like this, but they try to get statistically random distribution of like the population so... How long do the polls take-
Theo:	All of you are commenting the polls stay on for two minutes, all of you are saying the most trusted WordPress platform is the quote that they are focusing on. 58% are saying yes, it looks like official WordPress thus far.
Matt:	Wow. That way higher.

Theo:	Yeah, higher than I would have expected. It's so clearly WordPress hosting and creating on WordPress not part of WordPress in my opinion from chat.
Matt:	By the way, that's fine.
Theo:	Yeah, what is the Wordpress is a good question
Matt:	The thresholds 15% so again, yeah the majority can think it's a totally separate or whatever the threshold's one and six.
Theo:	Okay How long would you say this has been a problem for like how long has the WP Engine met that threshold?
Matt:	Oh That's a good question This is a legal thing of course, so I don't know if I want to tie myself to anything. I'm not dodging the question
Theo:	- of course that for the legal reason I could understand but do you feel like through the majority of the WP Engine's operation that this threshold is reasonably assumed to have been met?
Matt:	So I'll say a few things, things change when Silver Lake bought them in 2018. So that's when things started to get a lot more aggressive. Earlier than that, I think they were doing some really cool stuff. Um, they bought Flywheel, they kinda, some people say made it worse. Now, people pointed out, like, hey, last year, you spoke at their conference. So I will say that I've been trying really hard to show them goodwill. Uh I spoke at their commercial conference. It wasn't like a work camp. It was like their commercial promotional thing. And I went there and spent an hour doing an interview. That's like, obviously, I was really trying to extend the olive branch, really try to bring them to the fold. And I will say, I feel very led on they were going to do something. So again, for many, many months, they've been indicating we'll do a deal, we'll do a deal, we'll do a deal. So, and they've had numerous proposals and opportunities. Again, this one pager we sent them on Friday was meant to be super simple. And something that even if they just verbally been like, sure, let's talk about it. But they didn't. And so that's why we gave them the option. I was like, Okay, you just want to like engage some way. But they literally wouldn't even take my call. So I was calling them. They spoke to my CFO Mark, but they didn't speak to me. How'd the pool do by the way.
Theo:	So yeah, so the poll it was yes, but 50%.
Matt:	What was the last number?
Theo:	So 41% was no, and then 8% was not sure. But a 50 bit over 50%. Yeah, I can see why you would have that is reasonable.
Matt:	Do you want to do Pantheon? See if anyone's confused by Pantheon?

Theo:	No one's confused about Pantheon.
Matt:	Well, let's just see. Let's see what their percent is. Like, because you asked me, why aren't you [cross-talk]
Theo:	I don't want to be monitoring a poll while I'm doing this.
Matt:	But you asked me why I'm not going after Pantheon. So, let's let's see why I'm not going after Pantheon.
Theo:	It's near zero. That's why.
Matt:	But let's see the people. [cross-talk]
Theo:	We also agreed. We also agreed earlier that we're doing this. You brought up Al Capone as an example, where they went after him for tax laws, even though that was not the thing that was most problematic that he did. And I think that's a very important example to illustrate that this is in some amount a retaliatory effort that the goal here is to make them in your minds, a better contributor to the WordPress ecosystem.
Matt:	I have tried for many years the carrots. Yes. I am now trying a stick that is fair to say. Yes.
Theo:	Would it be in any way fair to say that the stick felt sudden and harsh to them?
Matt:	Um to people from the outside. Yes. Okay. Uh to people to Heather or Lee. Mm hmm. No.
Theo:	Okay. And I will say for what it is worth, I have tried reaching out to Heather and Lee and they have for many reasons I would prefer to not discuss many very invalidity have not been interested in doing a conversation with me. I understand. I am disappointed. It'd be nice to get more information from all sides here. But I don't think that excuses the level at which this escalated and the potential damage to the WordPress community through the way that these things have been escalated and enforced that it'd be reasonable for others. Like you even said yourself that you emailed godaddy yesterday to let them know they have nothing to worry about I didn't there's a reason –
Matt:	I said I think we're good.
Matt:	Yeah, but the point being you can see why others would be concerned about the state of WordPress as a result of this.
Matt:	Okay, a few things there. Well one a question for you. Yes, if Heather Lee wanted to come on.

Theo:	Absolutely Yeah, at the very least I would do the call with them I don't know if it would be fun enough to do a like a live stream in a video about because it's depends of what we have to talk about and how much they're going to restrict what I'm allowed to ask about. Because you haven't given me any restrictions at all or any pre like planning of like I cannot ask or talk about these things. You give me a little bit of info in the past that I am that was not under like, or on the record that I'm not able to share, that is important context, I wish I could, but none of it is important enough to change the direction of this conversation or the understanding people have externally. But if they were to say, we can't talk about these five things, I would say, okay, then we can't talk. And you've done nothing like that for me.
Matt:	Lee, again, managing director or whatever his title is, of \$102 billion for him. And by the way, he's the decision maker. So this is even above, I think one of the things that I felt led on by is I think Heather and many WP Engine employees want to do a deal. They want to contribute more. And I've actually had whistleblowers inside WP Engine, tell me that. A lot of my info has come from inside their company. So but ultimately they kept saying, the board wouldn't approve this, the board would approve this. That's why we escalate. I was like, okay, who's your board? Okay, this guy leaves in charge. He controls the whole thing. They own the company. So that's why we escalated it to him. So he's the person that should come on. He's the decision maker, ultimately. He could say yes to this tomorrow, or he could say no, which he has.
Theo:	Had at any point you publicly communicated that you were upset with WP Engine and their use of the trademark before everything exploded at WordPress or at a word camp?
Matt:	Quite the opposite. I've done everything to be very positive about them. I spoke at their conference. I've said positive things about them in the past. So I've been extremely positive publicly.
Theo:	So this is actually what I think is part of the problem is optically, publicly, this was very sudden. And even internally, privately, the switch was very sudden. Like just to, if I was in your position, I had all the same beliefs, all the same feelings that you had. My approach would have been to start with the escalation, but not as rapidly as you did. Like suddenly saying like same day, like days after you had been positive towards them, WP Engine is a cancer on the community. That was a massive jump in escalation. And anytime there's a vibe at a certain level and you escalate it somewhere else that quickly. It will be perceived terribly and damage the community that it happened in. These zero to a hundred type things do a lot of damage and it's important to warm people up to these ideas. So personally I would have been much lighter and started hinting at things publicly like there are a couple players in the space that I feel like aren't contributing enough and it'd be nice to see more contributions from a few of them and then text them like hey by the way I was hinting at this I really think we should have a talk soon. But like part of the

	carrot is the public like mentioning of these things and making them realize that this can happen rather than suddenly going guns blazing out like you did publicly.
Matt:	I wonder how I can explain my point of view there. So as an example though they were a top sponsor of WordCamp so we allowed them other people want to sponsor by the way. We allowed them to have this sort of honored position.
Theo:	But also they paid money to the WordPress foundation for that position.
Matt:	No but we have to choose the top sponsors because there's more people who want to be a top sponsor than we have slots. We only have four slots.
Theo:	Can you raise the price?
Matt:	We don't need to for the conference, so we don't need more. We just run them at break even. So, but yes, there are more than four people that would love to have that top spot.
Theo:	Okay, that's actually, that's a really important point is that I don't agree that that isn't a meaningful method of contribution, but I could see with the perspective, I don't think anyone knew this before, I certainly didn't know this before, that the for-profit WordCamp subsidiary of the WordPress Foundation nonprofit, despite being a for-profit, specifically runs the conferences at break even. And as such, they're not going to raise the prices for sponsors to make more money because that money would not make it back to the WordPress Foundation. And as such, I can understand why you specifically would not see that as a meaningful contribution to WordPress to sponsor WordCamp.
Matt:	That is fair to say, yes.
Theo:	That is like five layers of nuance nobody could possibly have known. And even then, I think it's very reasonable. And I'll do the poll. I'm gonna do a poll now for this. Does Word or does WP Engine, is sponsoring WordCamp a type of contribution?
Matt:	It is a type of contribution, 100%. I think we're gonna change a name to booth advertising. So because, by the way, they spend, the top slot is 75 grand. There's four of them. We have way more demand than we have slots. But when you look at, they had 34 people at the WordCamp. They spent more than 75 grand on the booth. And let's do the math on flying 34 people to Portland, putting them in hotels for four days. So the sponsorship is a small percent of the marketing they're doing. And they meet customers there. So we have thousands of attendees. So it's part of, by the way, why do the other hosts do it as well? You can kind of look around. There's like Blue Hosts there, Auttomatics there, everyone does it. You don't have to get customers.

Theo:	But it's still a method of contribution.
Matt:	You keep saying that, sure. It's a method of contribution, but is it altruistic or is it marketing? What part of that budget do you think it comes out of?
Theo:	Would them contribute, is Five for the Future purely altruistic?
Matt:	So, let me put it this way. Um the IRS would not say it's a non-profit contribution.
Theo:	Yeah, would they say contributing to the WordPress open source project is a non-profit contribution?
Matt:	No. Exactly. [cross-talk], like these are equally. It used to be, the foundation used to do all the events. The reason we had to create the for-profit subsidiary was because the sponsors kept breaking the non-profit rules. It was threatening our non-profit status. That's why you had to create the for-profit sub.
Theo:	That makes sense. But in the same sense, Five for the Future code contributions also aren't non-profit donations.
Matt:	They are not.
Theo:	Exactly. So, I don't think this is a fair point to bring up because both of these things in the same sense are not donations.
Matt:	Um, again, I've tried to acknowledge our contributions. I've just said they paid 75 grand and have a boot that we're camp. Um, now what I have gone after them for is the trademark confusion, which 54% of your audience thinks is confusing.
Theo:	I'm going to run another poll after this one. Do people feel as though the initial community,
Matt:	Why don't you ask the the conference question. That's a good one.
Theo:	So, uh, it's sponsored. Yeah, I did. It's a 50 50 split. Ish. Yeah. It's 48 say is sponsoring word camp type contribution. 48% percent say yes. 43% say no.
Matt:	And what percentage would you say would change your mind there?
Theo:	Uh, this one is making me shift a little bit. I would have expected it to be a much larger towards contributing towards a conference is absolutely a contribution. I would have guessed closer to 70. This is a surprise to me. I absolutely consider contributing to events. Like if I'm in the react, it depends on the events. Deeply in the react ecosystem. I consider the companies that sponsored react conf this year to absolutely be contributing to the react ecosystem, because if they didn't, it would be very realistic for that event to not have been run at all and possibly not happen next year. And I consider these types of sponsorships and contributions. Absolutely important. I don't know behind the scenes that they had people fighting for that top

	spot. I don't know behind the scenes if it was profitable or not. I know none of those things because for most conferences, these aren't things people know, but I would look at the companies that sponsor that event and be like, yes, they are contributing to the react ecosystem by sponsoring the react conference. This is important and I'm happy that they are here doing this.
Matt:	I think it depends on the event too. So word camps, by the way, the tickets for a three or four day event with meals and everything like that, \$100.
Theo:	That is really cheap for that event.
Matt:	So part of why we do that is we bring in lots of newbies. So if you go to work camp, there's developer tracks. There's also people there that are just bloggers and like just starting. And so part of the reason sponsors like it is because they can get lots of new customers because people are like, Oh, let me find a good WordPress host. What's the most trusted WordPress hosting platform? Oh, this WP Engine thing looks pretty nice. WordPress Engine. That sounds official.
Theo:	How do I put this point? Don't go down this one yet, or do I want to go straight to Silver Lake? I kind of want to go straight to Silver Lake.
Matt:	How are we doing on time?
Theo:	I only have two major questions left.
Matt:	How long have we been streaming?
Theo:	We've been going for about an hour and a half.
Matt:	Oh, wow. I thought we'd be going 45 minutes. Wow!
Theo:	We have a lot to talk about.
Matt:	How many people are watching, by the way?
Theo:	I have no idea. No easy way to check it right now. I tend to not look at those numbers. I only go live to talk with my community as I'm making good content. The people who I care about are always here. I trust them to let me know if anything is wrong. But my angle with all of this is always to be more focused on making the best possible video for the end result. So the view doesn't help with me with that at all. Apparently people are saying in chat, I have about 500 on Twitch and about 1,000 on YouTube. Okay. I did not expect YouTube to be that huge. That is unusual and really cool. So, the I have two questions I want to go over, but there's also some super chats I want to do first. Super chats on YouTube are a way for people to spend money to make their message much more visible. One person, and it's a bit rude, so I'll just filter it out. Can you let Matt know that many small business owners are suffering from this right now? We host over 300 sites on

	WordPress Engine. The only people truly suffering at this moment are mostly small business owners, and they don't know any better.
Matt:	Thank you for letting me know that. I'm really sorry that WP Engine's actions have hurt you or you can serve my actions. That's why we did the reprieve. They have until Monday nights to change their update server and everything. They have the ability to. So, all the code is GPL. They can host it themselves. They can run it themselves, so.
Theo:	Apparently, somebody in chat is claiming that they had a project, PHP Wasm, and the WordPress project made a clone of it called @PHP-Wasm. And how is that not the same thing as what is going on here?
Matt:	I'm just hearing about that now. So, whoever said that, if you want me to look into that, you can DM me. My DMs are open on Twitter at Photomat. And I'm happy to follow up on that.
Theo:	Matt is very accessible to the person who made that super chat.
Matt:	I'm getting a lot of messages right now. So, it might take me a week or two to get back to you. But please reach out. I'm happy to look into that if you think that's an issue.
Theo:	Yeah. And I'm sorry that you felt like you had to super chat multiple times, AD. I was going to ask that at all points. I just didn't have a chance because we were in the middle of the other bits. That's another good question. If you had your pick on sponsors because there were so many options, why did you continue to pick WP Engine if you felt like they were not a good player in the space?
Matt:	Because they kept saying they were going. be okay so they've been leading me on forever so I kept I kept believing them I feel like a fool and I didn't realize that people could run business this way and be so deceptive but yeah I felt that.
Theo:	Do you feel like it would have been more likely for them to make a deal if you had ramped up the public attack on them slightly slower if instead of going immediate guns blazing with the blog post and the referring to them as a cancer and like at an event they were sponsoring berating them on stage. If instead you would start in a more subtle way like hey I'm happy everybody is here there are companies in the space I don't consider good actors there even some here that I feel like you're not contributing back enough. I hate that because it's important for everybody in this ecosystem everybody's benefiting from this to be putting something back and I hope the companies that are not putting back enough are down to reconsider and then not do anything for a month or two go back to privately negotiation or private negotiations if it continues to not happen escalate slightly more don't let them sponsor word camp next year be like no these types of things are a thing you can't do anymore, things that don't directly hurt their customers but hurt their business. Because we went from not doing anything to hurt WP Engine at all, in fact being

	quite supportive of them, to immediately going to a level of damage that doesn't even just hurt WP Engine or their customers. The optics of this whole situation hurt the optics of WordPress fundamentally. People will now be possibly forever more scared of their use of WordPress due to the fact that something like this is possible and it can escalate this quickly.
Matt:	Maybe. We'll see in our growth numbers in the next year so we can check in on how we're doing. Let me introduce a few facts to this. So um I can think of one example where we banned someone from WordCamps before. It was actually Pantheon. They got banned for a few years. I forget how long. I'm not saying they were actually a sponsor of this WordCamp. I'm not saying ban them. They're a sponsor again. My default is definitely much more friendly engagement. If you look at my 21 year history of running WordPress, people are like, he got this fight with this thesis guy. I think that's my last big fight.
Theo:	I couldn't find any major beef since then. That's about 10 years ago.
Matt:	Yeah, so that was 2015.
Theo:	But I will say from reading through what happened there, it seemed similarly. I don't know. I don't have a word other than petty. It went a little further than it should have, a lot faster than it should have, and spending \$100,000 on a domain to get at somebody is weird vibes.
Matt:	Can I restate what he was doing wrong? It was not a trademark violation. He was violating the GPL license. So he was his claim was that a WordPress theme was not derivative of GPL code. And you know how - that was his claim. So, our our stance and the stance of the Free Software Foundation and everyone else is that plugins and themes for WordPress, because of how they tie into our hooks and action system, need to be GPL. Uh-
Theo:	Would it be... I don't want to just nerd out about open source license.
Matt:	Let's nerd out for a second.
Theo:	Okay. We'll nerd out for a second.
Matt:	And by the way, Free Software Foundation agrees, like, I got everyone to check on this.
Theo:	Okay. So, there are absolutely plugins that are GPL licensed for WordPress and other things like the Stripe plugins, the WooCommerce plugins, all of those things, where they only function if a paid for service is attached to them.
Matt:	Totally fine. That's not a GPL violation. He was re-licensing. So, he was not abiding by the virality.

Theo:	But if he was to have the PHP code, for example, for the theme, that was all open sourced, but all of the style sheets were paid for.
Matt:	That's possible. So, I think style sheets is not counted as linking. The PHP code is counted as linking under the nerdy GPL stuff in 2015. So, so he was violated the GPO license. GPO license is really important to me. I'm like an open source zealot.
Theo:	So, would you believe that by open sourcing the thing that binds the CSS or even if it was like, it gets the layout from a database that it like caches locally, but it applies it through this PHP code and that code is open source. Like abstracting as much as possible, but the shim forward is open source.
Matt:	I mean, as long as the PHP code is GPL, that was our only argument. The PHP code could be load a file remotely and execute it. As long as that code was GPL.
Theo:	So I guess my issue here is that it feels like he could have arbitrarily gotten around this on a one hand. It's done that he didn't. On the other hand, it makes the whole argument feel kind of dumb, but beyond that, the decision to buy the domain that he wanted to use for the project thesis dot com for a hundred thousand dollars as a way of like prodding at him felt petty. I'm not saying it was, I'm saying it could be absolutely perceived that way. And what I care about here, isn't how you, or I feel directly it is important and it matters, but the way these things are perceived externally is much more important.
Matt:	Uh, that's his claim that we did that. Um, there's other reasons we could own thesis.com for example, I believe at the time we were considering like a project around hosting things. And by the way, if he does it, do you know about the UDPR or UD RP or something? Uniform domain resolution policy. So I can run something that have a trademark holder believes a domain holder is violating their trademark. They can go to ICANN and get it back. We've done this many times with the WordPress trademark. But so he could have done that if he felt like what we were doing was a trademark violation pattern. [cross-talk]
Theo:	I want to call out here where we have a conversation about a thing that you see as like morally deficient. Like the GPL stuff. Is it legally deficient?
Matt:	Yes.
Theo:	We could abstract from there. But I think the reason this happened is you didn't feel good about him doing that stuff.
Matt:	No, no, you're you're describing an opinion to me. He was violating the GPL license. That was the beef. Okay now and my other point was that 21 years? There's like one or two examples before this. So yes, if you're worried about the future of WordPress. Yes, once every seven to ten years, I might get in a fight with a company. But I think that's if you look at our growth and how many successful

	businesses are built on WordPress. The WordPress ecosystem is probably ten billion a year. So I think there's many more examples of it fine.
Theo:	But can you take a moment to commiserate with the WordPress users WordPress developers WordPress ecosystem members that have concerns right now based on how this was all handled.
Matt:	Okay, let's commiserate.
Theo:	Really though like I think it's important to tell them that like you are committed to doing it I want you to commit to in the future when issues like this are had with the WordPress trademark. That you'll put an effort to find a path forward that does the least damage to developers using WordPress?
Matt:	I will do every effort to resolve things amicably. Every effort.
Theo:	What you consider amicably and what does actual damage to current WordPress users that love WordPress, that recommend it to all their friends, that are huge members of this community, that are scared right now. I think there is value in committing to them that in the future, this rapid escalation and the trust that it can harm is a thing that you will go out of your way to try and prevent.
Matt:	I'll do my best there. Do I ever screw up? Yes, 100% times.
Theo:	Absolutely. I'm not even asking you to acknowledge that this was a screw up.
Matt:	I think parts of it could be handled better. And you've convinced me of that. By the way, the community convinced me of that. I had lots of people reach out. So that's why we reversed the ban and everything like that. So...
Theo:	And if, like there was a path here where I think you could have handled this really well, gotten a really good deal with them and not had the community as concerned as they are at the moment. Like the fact that I have 1,700 people watching us live right now, it says a lot about how much concern there is about these things.
Matt:	You're holding me to a standard. Can you also hold WP Engine to a standard that they could have resolved this in a million other ways?
Theo:	Sure. But it also, let's dive into my second to last point here. Actually, we kind of just had my last question with this, like the, we'll we'll we'll wrap it up with that part. And then I'll do the silver like deep dive. But the last like core point about this in the community, how much damage to the WordPress community is acceptable in these disputes?
Matt:	Oh, I would prefer zero.
Theo:	Yes, but not preference. Like if like, let's say that WP Engine was 10 times worse that they were actively telling people we are the only official WordPress.

	WordPress.com isn't real. We are the one. How much potential damage to WordPress users in the community would you be willing to eat in the process of ending that?
Matt:	Again, my preference would be zero.
Theo:	Your preference would be zero, but can you imagine a threshold where it's like, okay, this is too much, like this affects too many, like let's say they also had over 50% of WordPress users using their stuff. Would it be okay to immediately cut them off or even like have a path where the users on there might be less secure and it might damage the over half of WordPress developers, assuming that they were being even more egregious?
Matt:	Uh. So they could run their own update servers. By the way, we do that for Wordpress.com.
Theo:	But didn't you say that specifically, like the tech to make those work reliably and safely was a lot of time and investment?
Matt:	Yeah, we did that. So I mean, Wordpress.com hosts millions of WordPress sites. We don't, we manage all that. So if Wordpress.org went away, Wordpress.com sites would be fine. Pressable sites would be fine. Bluehost cloud sites would be fine. So yeah, we made that investment.
Theo:	Would you say WP Engine is the biggest host that relies on Wordpress.org? Is there like update layer?
Matt:	No, other hosts have more. I would say, again, they're uniquely egregious in their abuse. They're also one of the only hosts that's 100% WordPress. Most other hosts are like 50-50, so they're like 100% WordPress.
Theo:	That's actually part of what I think is what is hard for me to understand. I feel like if I have a stack called the T3 Stack, it's one of the more popular ways to build with Next.js nowadays. If somebody was to brand themselves as the best place to host T3 Stack applications or the ultimate T3 Stack host, I would see that as, I would be really excited about that, to see people betting that heavily on this technology.
Matt:	How about if I started tpengine.com, and then my homepage said the most trusted place to host TpStack. [cross-talk]
Theo:	So T3 is my specific trademark. WP is not part of the trademark. If my trademark was just Theo, and T3 was a thing I didn't even directly use, it was just a common... But if I went by Theo Brown, my full name, and somebody did TB- or something.
Matt:	Do you have the trademark for the number and also spelled out like T-H-R-E-E?

Theo:	No, but if somebody was to do T-H-R-E hosting, I would not consider that particularly egregious.
Matt:	So if I registered T-T-H-R-E-E.com and then offered –
Theo:	The best T3 hosting platform? I would not care.
Matt:	Okay, that's good to know, so why don't you do that?
Theo:	There was somebody who did the T4 Stack, which was very clearly meant to be misleading and pull people from my community, which was really funny. And then they started... They're the only person making money off of T3, the trademark right now, which is hilarious.
Matt:	This is a good example, though. You're the trademark owner. You get to decide. So you can decide this. And you can talk to a lawyer as well.
Theo:	And even then, I went so out of my way with them privately. They were assholes privately and publicly. And they were the ones who escalated. So I was like, okay, I'm just gonna call this guy out. And this is the first time I've even said T4, like publicly in probably a year at this point. And not, I could remember how awful that particular individual is, but like that's a separate thing that is still something I'm not going to pursue legally. And my issue with them has nothing to do with the legal or trademark thing. I think, and this is the point I was trying to make earlier is that like someone going 100% on WordPress, in my opinion, is something, if I was in your position, I'd be excited about versus somebody doing 50-50 of their customers. Like that, like somebody who's 100% betting on WordPress, to me, feels like a better community member than somebody who's 50-50 on their bet. I don't want to get too lost in the details. People are giving examples like get versus gethub again as Matt said you can choose how to enforce your trademark. Linus has chosen to not enforce the get trademark as far as I know. So...
Matt:	This could help us get labs so, that's his choice.
Theo:	Yes. And you I guess what people are struggling with is the idea that you are selectively choosing when to enforce it is understood publicly especially because up until this point you've been positive towards WP Engine and this feels somewhat sudden the swap.
Matt:	Uh, sure.
Theo:	So that was their concern. So the host needs to pass the sniff test. test it's unclear what the sniff test is and the consequences of them failing it is that the consequence of them failing it is that the Wordpress or access might be restricted and I don't know
Matt:	I don't I don't - there could be there could be any consequences.

Theo:	What is hard now is as a Wordpress developer it now feels like they have to be careful when they're picking a host to make sure that it is either the official Automatic Wordpress.com or is a recommended one and there is now a fear that picking a Wordpress host that isn't on the recommendations list, which WP Engine was up until a point.
Matt:	No, they were never where -
Theo:	They were never on the recommendations list? Okay. Yeah, but they were out to sponsor word camp and that could be seen as some level of an endorsement.
Matt:	So yes, I would say so probably should pick a host that's on our recommended list or a sponsor word camp.
Theo:	If somebody picked up word prep -
Matt:	Especially if there are recommendations.
Theo:	So somebody picked WP Engine because they talked with them at word camp this year and they had just moved to it a few days before all of this exploded. And now suddenly they can't update their site, do you feel bad for that person?
Matt:	Yes.
Theo:	Can you take ownership of the fact that there was a method to get to the outcomes that you wanted here that would have prevented them from being hurt without risking the likelihood of success with your goals at all.
Matt:	Sure. You made that point.
Theo:	Okay, cool awesome. That's a huge concession. That means a lot to me. Thank you so yeah, and you can see why now somebody who might have been affected by that now feels some level of stress that they might pick wrong and might run into this again.
Matt:	I would say they probably should consider picking one of the recommended hosts. So that's, there's a reason we recommend them. So...
Theo:	Okay, so I want to dive into Silver Lake. I have found a lot of weird mixed information all over the place for context for those watching. Silver Lake is an investment firm that I believe has fully acquired the WP Engine or at the very least, the board seats.
Matt:	They control it. So they own a majority of the voting and everything. And in my presentation at WordCamp, I mentioned other open source things so we're like screwed up. So I think I had two or three examples.

Theo:	Do you remember those on the top of your head?
Matt:	Uh, Talon, the Unity, maybe, I forget what they were. So check out my presentation. It's at WordCamp? Or on the WordPress YouTube.
Theo:	So can you give us a timeline of Silver Lake's involvement both in Automatic as well as in WP er Engine without saying information you're not allowed to share?
Matt:	Sure. What's public? They have never been an investor in Automatic. What's public is in 2018, they uh purchased a majority of WP Engine for \$250 million.
Theo:	Were was there ever a point where you were in negotiations with Silver Lake for potentially investing in Automatic?
Matt:	No.
Theo:	No? I remember where I had heard it from, but that might have been a thing, but not a big deal either way.
Matt:	Yeah, that's my recollection. I have met with Lee many times over the years. Like I said, he used to be on the board at GoDaddy. I don't believe they are anymore. And GoDaddy is a public company. I think they were a smaller investor. They want a control investor. Um the and he has been on the board at WP Engine, I'm not sure exactly, but I think since the acquisition in 2018.
Theo:	Makes sense. Really good information to have. I had heard somewhere that there might have been some back and forth way, way earlier on between you and Silver Lake for potential negotiation. So good to know.
Matt:	I will say we have talked many times over the years about working more closely with WP Engine. That's fair to say.
Theo:	So, but specifically, Miles is begging for attention, but specifically, Automatic and Silver Lake have never been in meaningful negotiations for potential investment or collaboration.
Matt:	In Automatic, not to my recollection. By the way, Automatic has raised a ton of money. We have great investors. I didn't at the time in my 20s control it, but now I vote 84% of the shares, through proxy agreements with different investors. So um I think every share that's traded hands since 2012, maybe we got another cat in there. I have a voting proxy for it, so that's part of the reason, by the way, that I'm able to run Automatic. in a way that we've never changed a license and all that other stuff. So it's uh-
Theo:	That's a really good context to have. So at what point would you say your relationship with Silver Lake started to go sour?

Matt:	That's a good question. I would say that as recently as January, I took a sabbatical, by the way, in February, March, and April. Actually, I was very busy prior to that. I met with Heather twice, I think on the 24th and 28th. Um and Lee I've met with before. So I would say I really thought they were going to do a deal since January. Um the guy who ran Auttomatic for a few months, Tony Schneider, was like, he thought there was going to be a deal during his time. When I came back, I was like, why isn't there a deal? Kept working on it. So when did I realize they were just delaying and leading me on? Honestly, probably last week.
Theo:	So this is actually really good. I feel dumb, but that's when I realized. I almost want to do this part off stream. But for the sake of everyone, if I was a friend or knew of you before this, right when I saw things explode, I would have just personally reached out and like, man, there's a more productive way to do this. Because the one week from realizing they're leading you on to this explosion, especially with in between some of the texts you sent, optically are terrifying.
Matt:	The ones they cherry picked, totally.
Theo:	Yes, absolutely.
Matt:	But show the whole thread, publish the whole thread.
Theo:	So the reason I bring it up, I'm not saying this as a gotcha. I'm saying this so that we can sympathize with the people who have concerns right now. My goal here isn't to be like, you screwed up, you're terrible. You need to realize all these things are bad. It's optically for people externally, these things result in less trust and concerns. And I want to make sure that you understand, as a person who cares about these things, and I as a person who wants these ecosystems to be as successful as possible, that you understand enough of why people feel this way so that you can be more likely to succeed in your goals in the future and scare the people who have loved and have bet on WordPress less in the process.
Matt:	I mean, why is Silver Lake Private Equity trying to smear me? Why did they dox our private texts?
Theo:	You started the public smearing.
Matt:	They had no permission to publish our private communications. Why had they doxed our public texts? Um and why did they now publish any of their messages? They only published mine. So, like, this is a smear campaign. By the way, they're gonna have the nastiest lawyers, the nastiest smear campaigns. They're gonna go through Palantir and Cambridge Analytica stuff against me, so.
Theo:	I, as a person who, like, I want you to be able to be successful with these things and I want WordPress and WordPress developers to be able to trust and not be concerned. This, you're a leader, you're a BDFL. You need to do better than them.

Matt:	I would love you to hold them to a very high standard. Silver Lake stands to lose billions of dollars on their investments if we are successful in convincing the public that WP Engine is maybe not the best WordPress host.
Theo:	I think there were ways to convince the public of that that would have made the public less scared. I'll call you next time. I'd love your advice. Unironically, you have my number now. I'm actually down the next time you're feeling this level of emotional vitriol towards anyone in or around any of these spaces. Actually, call me. I want to try and talk you off the cliff before things get this bad.
Matt:	Okay, well, statistically, it's probably going to be around 2033, so let's plan. We'll make a date to talk in 2033.
Theo:	Excited for it, but the, I have at this point. Regardless of, you are the one who has escalated the most with this.
Matt:	No, I believe they've escalated it quite a bit, and I wish I could share more of the stuff they've done privately, but I can't.
Theo:	Okay, I understand that. Publicly, you can see why most people would perceive it as though you have escalated the most here.
Matt:	Sure. Yeah, I know. [cross-talk]
Theo:	It is like whether or not the things you do are right, whether or not you believe the things you did were right, whether or not I believe the things you do are right, the community overall feels as though the things you did, at the very least, went too far too fast and had impacts on WordPress users that they felt were unfair.
Matt:	Sure, and by the way, you know, this is not going through a PR person. Of course. This is not going through my lawyers.
Theo:	So yes. It's very honest.
Matt:	I'm gonna mess up. Yes. I started as an engineer, I coded at WordPress. I contribute a lot of code. I'm kind of, I wasn't a CEO before. I didn't go to business school. I haven't had public relations training. Like, yeah, I'm gonna screw this up, so.
Theo:	But for the sake of the community, I think it's important to commit as the person in charge of WordPress.org, the person who runs Automatic. and the person who is trying to make WordPress the best way to build for the web, that you commit to going out of your way to find healthier methods to do these things in the future and better ways to call out bad players that don't so quickly turn to damaging WordPress users.
Matt:	I will commit to that. What do you think is a good threshold? Like one month of notice, a year of notice, a week of notice?

Theo:	I think there's multiple parts. The notice is one important detail, but the more important thing to me is the the knowledge for the business and soon after the knowledge for the public that there are concerns. Because to the average person who is like a WordCamp attendee, you went from thinking WordPress WP Engine was totally fine and them as a sponsor of WordCamp, totally fine, to all of a sudden they are a cancer to the ecosystem. That same day switch is terrifying. So that's the big thing that needs to be avoided.
Matt:	This is not a good defense, but I will say that if you, did you see my ecosystem thinking post? So that was earlier in the week, prior to WordCamp. That was, I forget what day it was, but the, I think it might've been Tuesday or whatever.
Theo:	So that was, that was before. If there -
Matt:	But yes, it was a matter of days.
Theo:	If there was a month between these things even, like you started with like a call at WordCamp that's like the example I gave before. You use that as leverage in your conversations with Heather and the other people at the company. And people on the board continue to not go well. You then, even just like a small tweet or something like, it really sucks that one of the biggest WordPress hosts, it doesn't contribute meaningfully back.
Matt:	I did the blog post. So I was raising the pressure on them. The blog post called them a cancer. The blog post called them cancer on Tuesday?
Theo:	Yes. Or was it, it was the one you posted the same day as the WordCamp talk.
Matt:	So that one did. Yes. But the- I think that was Friday. Okay. But we can look this up. But the one earlier in the week did not call them cancer.
Theo:	But did it call them out specifically?
Matt:	It did.
Theo:	Okay. That is news to me. So on Tuesday last week, you called them out specifically.
Matt:	Let me double check this just to make sure because I do want to be accurate. Now everyone go visit ma.tt since we gave so much traffic to WP Engine and everything like that. So let's see.
Theo:	And Ted, I did see your message on the trademark. I'll ask that in a minute.
Matt:	September 17th. Okay. So here's the paragraph I published. Do you want me to read it or do you want to read it?

Theo:	I can read it quick. So compare the Five for the Future pages from Automatic and WP Engine. Two companies that are roughly the same size with revenue in the ballpark of half a billion. These pledges are just a proxy and aren't perfectly accurate. But as I write this, Automatic has over 3,786 hours per week not even counting me. And WP Engine has 47 hours. WP Engine has good people, some of them are listed on that page, but the company's controlled by Silver Lake, a private equity firm with 102 billion dollars in assets under management. Silver Lake, if Silver Lake doesn't give a dang about your open source ideals, it just wants a return on capital. That's a significant call out. Did you ever send this to them?
Matt:	Of course.
Theo:	Okay. I'm clear dotting on my I's and crossing on my T's. I'm reading the rest of this blog post. He called out examples of companies that are contributing meaningfully right after. I, this helps with my perspective a lot, knowing that this post existed and you were still letting it. So I'm assuming the sponsorship agreement for WordPress was long before any of this. Okay.
Matt:	And that's also why we didn't kick them out during the events because of course it would have violated the contract. They could have said, hey, we paid you. By the way, I offered them the money back. Even after everything, I said, Hey, if you want the 75k back, we'll send it back because maybe they're like, Oh, we didn't get what we, but they had the booth for the whole time. They talked to probably hundreds or maybe a thousand people, but I offer them a full refund.
Theo:	This is good context to have I, if this post existed, if this was a thing that was well known amongst people in the space was going on more time was had and then the strong call out happened. Like if this happened, if this post was made like two months before word camp, even better than I would be, I wouldn't have even covered this. This would have been like, Oh, not my problem. But the optics of you went from being supportive of this business to calling them out to very soon after on stage, calling them out at a conference they paid to be at immediately follow the blog post, calling them cancer. That is terrifying as a person in the community, especially because like this has been around for 21 years, five days is a very short amount of time in a 21 year timeline.
Matt:	And I will also admit that I can be a, uh, I'm very like a calm in person, but my prose can be fear, uh, fury, right? So I, I'm a writer. I consider like writing like an artistic expression and sometimes I can get a little colorful with my phrasing.
Theo:	Did anybody proof the post before you posted it?
Matt:	Of course.
Theo:	Oh, good to know.

Matt:	Yeah. Auttomatic as a full, Oh, something cool. Auttomatic does. We host a run long reads and the Adivists magazine, which by the way, has won national magazine awards. So we employ some of the top editors in the country. So long reads and out of this. Uh, so, um, yeah, I have fantastic editorial people at Auttomatic and I tap into them for things like this. Yeah. That they make my writing way better.
Theo:	By the way. Yes. I, I have done a lot of copy editing. Part of how I got into the scene, believe it or not, is I offered to do a copy pass for a couple more prominent, like web dev people that I was very much looked up to. And they were so thankful for me. Helping them with like the wording of their blog posts that they pulled me into places I should not have been so early in my career and kick-started my creator journey. So a huge shout out to Ryan Carneato or to astra or to the creator of astra Fred shot as well as the Tanner Lindsay creator of tan stack and Ryan Carneato is the creator of solid JS they're essential to my success in the space and that started for me. Just copy editing their stuff. Yeah, these things are really important to me two last things This one is a trademark that one of my community members found Apparently y'all have the trademark for managed WordPress. Does that not mean almost every place that has Wordpress hosting is in violation of your trademark?
Matt:	A lawyer would have to evaluate that so yeah, I'm not a lawyer. I don't want to comment on that.
Theo:	Totally fair. The uh but you can see why people would be concerned now that if this is about a trademark dispute that a trademark that generic is petrifying about this possibly happening again.
Matt:	I think that to maintain a trademark, you have to enforce it. I will say that if you look at all the businesses built in WordPress, um we allow, I don't want to say this without messing up our legal case, but yes, there's many, many things that are below the threshold that would be legally confusing in the market. So yeah.
Theo:	Totally fair response.
Matt:	And I have no current beef, no CNDs publicly with any other host or any other person in the WordPress community.
Theo:	So it's fair to say this is a very unique situation. To go back to the long thing I was going to say earlier, I think due to the unique nature of the situation, a uniquely kind, optically public approach because of the long thing about how long they drag you on for. You should have done the same. Play at their level, drag them along the same way. Very slowly start to damage the reputation in a way that terrifies them. You could have done even more damage to them potentially.
Matt:	Honestly, not my style.

Theo:	That's fair. But as a CEO and the representative of the community, there are things that aren't our style. There's a lot of things that aren't my style that I have to do now as the representative of a lot of people that many more even look up to. And it kills me at times to not be able to like the amount of times I've written a tweet as a reply and then deleted it or screenshotted and sent it to my CTO for an approval before I sent it. Like it's actually hilarious. I've deleted more. I have deleted more things I've typed than I've posted on Twitter for like over a year now. And it's that's probably good. Yes, it is. And that's the thing I really want to encourage here is like it's important to be the boss when you are the BDFL, especially for something as important, inarguably as important as WordPress. It's literally like nearly half of the web. It is so important to have you specifically be way kinder than is even fair in order to make these egregious cases not like something that was as negative as what you were went through here should not result in you being this negative. It sucks it is terrible but at the same time it is important as a representative of this community and as the one who who pushes them forward to eat some shit and get through that and it sucks. We have to do it.
Matt:	I agree and I want to thank you I say continue to hold me to a high standard with great power comes great responsibility. So please hold me to a high standard in the future give me this feedback I'm listening to the feedback here and I you know definitely keep this in mind for the future. So I've learned a lot through this so thank you.
Theo:	My one last thing it's small yeah where do you want I think it's important. Can you see why WordPress.com and WordPress.org is a confusing thing for people?
Matt:	Sure.
Theo:	Awesome. With other companies like Vercel, for example, Next.js isn't the host. Vercel is the host and they both get talked about equally at this point before. It was not like that at all. But you have to be like, I started using Vercel before I ever used Next.js by like over a year. And even though they are so clearly tied, they're so clearly funding each other, that is what the ecosystem in the open source world nowadays is used to is like a company with one name is funding a thing with a different name. And if others are using the other thing's name in their branding, it's like, yeah, whatever. They're not, as long as they're not using Vercel's name, it's fine.
Matt:	That's why WordPress.com has to have a trademark license. By the way, WordPress.com could lose the trademark license if two of the three board members of the WordPress Foundation. They decided they were not a good steward. So that's the way I set it up. So if someone bought Automatic or something like that, or it wasn't in control, it could lose the trademark license.
Theo:	Actually, one last question on that. Are either of the two other board members meaningful stakeholders in Automatic?

Matt:	Zero. Zero.
Theo:	OK, awesome. Yeah, that is actually huge. So there would not be a financial incentive for them to benefit Auttomatic. If it was in any way, if it was if the option was like hurt WordPress Foundation in their trademark or hurt Auttomatic, there is no financial incentive for them to not hurt Auttomatic.
Matt:	So and I'll describe the two people. So I wanted to create a board, which felt fair. So Shell is actually a Republican. She's run like to be endorsed by Trump and stuff. So like very different from my politics, like my politics are. Oh, I don't talk a lot, but you can see my donations. So Mark Gosh was actually a journalist in the WordPress space. So he ran uh probably the top like WordPress journalism site. And he stopped doing that many, um many years ago. But when I was thinking of like, OK, who would be a good steward of this? He was there. The board's been pretty much the same since the WordPress Foundation started. Previously, Jason Hoffman was on the board, we actually was involved with like node and joints and stuff like that. So he was one of my advisors when WordPress was getting started. He actually helped me rack the very first servers that we ever had. No, and I was down in San Diego putting the data center together. He was, you know, handing them to me and we were putting the screws together. So he was on the board for a while. And then I forget who took his place either Mark or, or um Shell. Now these are people I trust. Neither owns any equity in Auttomatic. And yeah, do I trust them? Of course. Yes.
Theo:	Just wanted to make sure that like there wasn't a financial center for them to defend Auttomatic in the process. That was all that is actually really good information. I'll be honest, you've shifted me a bit. I still think the way this was handled bordered on irresponsible, but I am less sympathetic towards WP Engine. But I wish you had given them a better public incentives than were given. Your last video is pretty harsh. I know, but I, hey, can we shake hands and say, absolutely. Thank you so much. And I hope in the future, I consider you a friend of the, you'll actually take me up on the calling me if there's another thing like this, because, uh, the amount of, I would have done so many things like this a hundred times worse if I didn't have my group of people to talk me off these cliffs, the, like, I would do what you did last week monthly. If I didn't have my crew to talk me off the stuff. So it's the least I I can offer. I hope you take it seriously. And I really hope that going forward, the WordPress community doesn't have to worry about the security and the sanctity of their platforming space.
Matt:	Me too. So thank you all for watching as well. So thank you for coming by using like, I, this is a cool community. Like I am not familiar with though, but like I said, I'm going to follow in the future, so you might see me in the chat and future streams.
Theo:	Awesome. Really appreciate it. Thanks again for stopping by.