



Natasha McFlinn,
Investigations Executive,
Advertising Standards Authority,
Mid City Place, 71 High Holborn,
London,
WC1V 6QT

27th February 2012

RE: Ref: A12-184409/NM/ts

Dear Ms. McFlinn,

Thank you for your letter dated 17 February 2012. We appreciate the opportunity to respond to the complaint submitted to you regarding our fundraising advertisements. We believe that this situation can be resolved without a formal investigation or other action by ASA. This letter will set forth several facts and explanations that should alleviate any concerns regarding the fundraising banner advertisements.

First and most importantly let me explain the relationship between the legal entities Wiki UK Ltd. t/a Wikimedia UK and the Wikimedia Foundation, Inc. ("WMF") and how they relate to Wikipedia, the online resource, which is funded by both organizations. The WMF is a non-profit organization registered in the United States as a charitable 501 (c)(3) tax-exempt entity. It owns and operates various internet-based properties and owns the trademarks associated with them, most importantly for this discussion: www.wikipedia.org. Wikimedia UK is a registered charity in the United Kingdom (No. 1144513) whose charitable objects include:

"..for the benefit of the public, to promote and support ... Open Content of an encyclopedic or educational nature or of similar utility to the general public, in particular the Open Content supported and provided by Wikimedia Foundation, Inc., based in San Francisco, California, USA."

The complaint suggests that, because the donations are collected by Wikimedia UK, they are not being used for the advertised purpose of maintaining and developing Wikipedia. That is not the case. Both Wikimedia UK and the Wikimedia Foundation share a common charitable purpose, which includes the

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support of Wikipedia. Wikipedia itself is not an organization, it is simply the name of the online resource. Supporting Wikipedia is Wikimedia UK's charitable purpose.

In order to advance its charitable objects, Wikimedia UK is licensed to utilize the WMF trademarks, including Wikipedia. Wikimedia UK participates in the annual fundraiser WMF conducts in November and December each year in line with our fundraising agreement: (http://uk.wikimedia.org/wiki/2011_Fundraiser/Agreement), approximately 50% of the funds raised by Wikimedia UK are granted to the WMF to further its charitable purposes, including Wikipedia. The remainder is applied for the same purposes in the UK. The use of those funds is disclosed on the organizations' websites and in their annual reports and accounts.

As we note below, we do not believe the complainant is in fact referring to a Wikimedia UK advertisement in his complaint. The banners referred to are archival and historic in nature. To find this archival information you have to go purposefully looking for it and it would be clear to any person doing so that it was not an active fundraising solicitation. We are not currently, nor were we, running these banner advertisements on the date the complainant alleges.

However, we draw your attention to our current donation landing page which is linked to from Wikipedia.org and is essentially similar to the landing pages we have used in the last three months: <http://wikimediafoundation.org/w/index.php?title=WMFJA085/GB>

You will note that the identity of Wikimedia UK as the recipient of funds is made clear by:

- the use of our logo
- the presence of our registered charity name, address and registration numbers
- links to our website and our email address

The landing page also sets out an accurate picture of the use of donations: to protect and sustain Wikipedia, by providing both technical and human resources. Furthermore, by clicking the "privacy policy" or "find out more" links, a donor can reach Wikimedia UK's website where they can find detailed information about us.

We trust that this explanation answers the question raised by the complaint. However, we would like to provide additional information to ensure that we have responded in full to your letter.

Further background information

The complaint, as set out in your letter, contains fundamental and misleading errors.

We were not in fact engaged in any banner advertising on Wikipedia on 14th January. Every year the Wikimedia movement holds an annual global fundraiser. As part of this, Wikimedia UK displays advertising on Wikipedia.org targeted to site users located in the UK. We began to run the banner ads in the UK on November 13th 2011 and ended them on December 31st 2011. Therefore we conclude

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that the complainant was not viewing any current Wikimedia UK marketing materials, but may instead have accessed publicly archived materials from a previous Wikimedia fundraiser. Since the complainant refers to the solicitation of donations in US dollars we assume that the material he accessed was a landing page set up by the Wikimedia Foundation, rather than Wikimedia UK.

Considering the Rules References in the complaint:

It is important to respond to each of the rules you cite in your letter as we believe we are not in violation of any of them based upon the information provided.

3.1 As described above, soliciting donations "for Wikipedia" is not misleading as the charitable purposes for which both Wikimedia UK and WMF work are to enable and support Wikipedia. Wikipedia does not exist on its own as a separate legal entity and is dependent on the work of the underlying organizations in this way.

3.3 The landing page referred to does not mislead the consumer. It presents the facts appropriate to the context without material omission and provides links to more detailed information.

3.5 The materials concerned do not omit the identity of the marketer.

3.7 The documents referred to above, and accompanying our response, illustrate that a donation to Wikimedia UK or WMF, has the effect of directly supporting Wikipedia. We link here (http://uk.wikimedia.org/wiki/Charity_status/Correspondence) to the extensive correspondence with the Charity Commission leading to them granting us Registered Charity status in 2011. Our two submissions in 2011 contain longer explanations of the relationship between Wikimedia Foundation and Wikimedia UK. These documents may be helpful in your understanding of the situation.

Extra details requested

- I can confirm that our legal name and address are listed correctly at the top of the complaint notification.
- Plans for future use of the advertising: We ran a banner campaign on wikipedia.org between 13 November 2011 and December 31st 2011. We expect to run a similar campaign in the last weeks of 2012. In the meantime, we solicit donations via the "Donate" link in the sidebar of wikipedia.org using a similar landing page to the one discussed above.
- Wikimedia UK do not use an advertising agency.
- As noted above, we cannot identify the specific banner complained of during the fundraiser. We use a family of banners with similar messaging, of which a representative example is: http://en.wikipedia.org/wiki/Main_Page?banner=B11_1220_Foundation_WMUK_JimmyUrgent

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Summary

We do not believe that the advertisement in question is misleading, or that there is cause to pursue a formal investigation. The banners requested funds for the support of Wikipedia, which is the website owned and operated by WMF through the support of its chapters, including Wikimedia UK.

We greatly value our reputation and operate with the highest standards. We would be happy to provide additional information should you need it.

I trust this answers your questions. We are of course available to answer additional queries.

Yours sincerely,

Jon Davies
Chief Executive
Wikimedia UK

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