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Subject: Trademarks and search engines

Posted by [Wayne Parham](#) on Fri, 16 Sep 2005 08:11:30 GMT

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Our recent discussion about trademarks and copyrights on the internet prompts me to point out another issue that I think may surprise many of you. One of the most controversial issues on the internet today is the sale of trademarks as keywords in search engines. Right now, you can purchase keywords on the search engines and pay for referrals. All websites are cataloged and indexed by search engines, but their placement can be made higher by paying the search engine to do it. You pay by keywords. There are several programs, some that inflate ranking and increase overall visibility, others that pay per click and still others that accept referrals from third parties, such as those seen at the bottom of some of the general forums here on ART. That's not bad. What's bad is that you can buy keywords that probably should be protected by trademark law, but that currently are not being respected. For example, I can pay to be placed high in search engine searches for "Klipsch." Douglas could pay Google to put him at the top of the list for "Peerless" searches and Mike could pay to be placed at the top of the list for "ElectraPrint". Naturally, you'd want to be placed at the top of the list for your own trademark and business type first, but the dirty deal is that you can pay to be ranked high on your competitors trademark too. A similar issue was addressed in the late 1990's, when the DMCA was established. That's when you saw the first cybersquatting cases brought, when companies that bought up domain names that were trademarked or deceptively similar. An example would be Nike.com, Nike.org and maybe closely misspelled variants. Until recently, competing firms could buy up those domains and have them all point to their own website. Some of you probably remember stories in the early and mid 1990's of people buying up lots of big name domains like Coke.com and BandAid.com, hoping to demand a high price for the domain once the technology caught on. Those people had to surrender many of them. The bad news is that only the biggest companies were able to force the change, and the little guy still gets squeezed. I think the trademarked keyword issue will probably be resolved in the next few years. But as of right now, it's still open season. So go to the search engines and buy up all your competitors keywords while you can still get away with it. They have no trouble taking your money and selling you anything you want. Sleazier than crack cocaine and easier than the gals that use it.

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