
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 referalls 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.

Subject: I'm so burnt...

Posted by [MQracing](#) on Fri, 16 Sep 2005 19:09:00 GMT

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just got home. shop has no air conditioning. had to bake some tranneys. sweated by kajoobies off... Too burnt to be very insightful. But... several of these issues do concern me both on an abstract level (intellectually) as well as on a practical level. Eventually, the keyword screwing around will make search engines less useful and hopefully encourage different upstarts who will make the functions more useful and less spam-matic (is that a word?). IMO... my humble opinion.... it would be just plain wrong for me to tag onto say Electra-Print and have my stuff come up when someone wanted to get info on EP. And the other issue that we spoke about on the phone concerns me a lot as well... have just found myself thinking about it a lot over the last two

days or so. Next time I talk to my friend I want to bring this up and encourage him to just let go.forgive my brevity... and I still haven't read all of the interesting stuff you've put up on this and other related issues on this forum.mike

Subject: Re: I'm so burnt...

Posted by [Wayne Parham](#) on Sat, 17 Sep 2005 10:28:29 GMT

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I'm not sure I'd classify the Dungeon as "interesting." Entertaining, maybe. This is where we voice complaints, act like kids, throw temper tantrums, whatever. Sometimes we get into meaningful discussions here, but it is really just a place to poke, prod and argue. A little more high-brow non-audio discussions take place in the Tower.The deal with the search engines and selling trademarks really sucks. It is an illegal practice, in my opinion, but just like with any other new technology, the understanding in the Courts and Congress lags behind. They aren't technical people and so don't understand the ramifications and potential ramifications of new technologies. So for now, you can buy keywords for ElectraPrint, Hammond, Plitron, Sowter and all your other competitors. Or anyone else can buy them and grab Peerless and Magnequest while they're at it. All you could do would be to buy those keywords too, maybe pay more for them so you could get listed higher. Trademarks are up for auction to the highest bidder on the search engines.If you're really concerned with ethics and intellectual property, I think it would be good of you to speak to your messageboard host. If he doesn't see it your way, you'll have an ethical dilemma. Do you stick to your principles or do you leave? For me, the answer was clear. I can't see supporting an organization that has fundamentally different principles, it's hypocrisy. It would be like saying I was all American, believing in free trade while being a card carrying communist, supporting them every month to get a government apartment and a welfare check.
