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GAME OVER

BY CLAIRE BARLIANT

Lawsuit Dropping Follows Holiday Shopping at eToys

The war of the toys could be over. Last week, eToys decided to try to resolve its suit against etoy. Apparently, the major online retailer decided that playing Goliath opposite etoy's David was not very much fun, especially when David was backed by a motley network of individuals bound by a common goal: to protect free speech online. "We received many e-mails and letters from the arts and Internet communities urging us to coexist with the etoy group," says Jonathan Cutler, a spokesperson for eToys. "We decided to do our part by initiating an end to the legal actions in this matter, and we wish the etoy group well in the future and we thank all of those who took the time to let us know how they feel."

But even before eToys's December 29 public relations move to recover its "good neighborly standing with" the Internet art group based in Europe, etoy and its supporters had already achieved success by proving that there *is* an Internet community, and it is not to be fucked with. Mark Tribe, director of Rhizome.org, a venue for discussion of digital art and theory, believes that the etoy-eToys suit served as a catalyst to involve everyone who has something at stake on the Net. "I think this case marks a watershed in terms of galvanizing support from a diverse network of people—everyone from Net artists to the Electronic Frontier Foundation," says Tribe, who believes the "symbolic clarity" of the conflict is what made people rally behind etoy. "It's a mega-successful online toy store taking on a small, spunky artist's group. It captures the imagination."

Before December 29, some experts expressed doubt that an Internet community still existed. Author Douglas Rushkoff believes the Net has been ravaged by venture capitalists: "The Internet was . . . connected by ideas, but it's now moving into a world connected by commerce and trade. We're now denying ourselves what the Internet could be."

But when etoy lost its URL, etoy.com, due to a preliminary injunction granted by a Los Angeles state court, the digital art world was outraged, closing ranks to topple eToys. John Perry Barlow, founder of the Electronic Frontier Foundation and a member, along with Rushkoff, of etoy's advisory board, described the situation to *Wired News* as "the battle of Bull Run." He called on the Internet community to "bind itself together and find a common voice."

Judging from the glut of anti-eToys Web sites, the Internet community seems to have listened. eToys tried to waylay the development of such sites by registering the domain etoyssucks.com. (Incredibly, the company then redirected this URL to lead straight to the eToys site.) In any event, the effort was futile, since another prankster launched etoy-sucks.com.

out a "playful" game was a fairly obvious reaction to this particular situation, given that, basically, the word being fought over was "toy." In between preparing documents for its appeal, etoy incorporated its allies into a game of its own. A battlefield provides the backdrop for the characters, who range from bankers to lawyers to spies, and players advance based on their real-life actions. DJs also appear on the battlefield, playing MP3s donated by bands like Negativland.

Rtmark.com, a protest site that provides a venue for anticorporate activity, devised an anti-eToys campaign in the guise of a game. More conceptual than visual, it relied on techniques like posting e-mail addresses of eToys shareholders so activists could encourage eToys execs to drop the suit. Ray Thomas, an Rtmark spokesperson, acknowledges that this method is "all theater." But he also sees the usefulness of employing the Net as a stage on which these dramas can take place. "One feature of the [Internet] landscape is that still to some degree somebody like Rtmark can go in and make a big noise."

Chris Truax, the lawyer for etoy, is grateful to have the support of an Internet community that is not only alive, but kicking. "This case is really about respect," he says. "eToys doesn't get what etoy is doing, but a lot of other people do." zai agrees it feels good to see that people care, and compares the situation to being abducted by thugs: "What they would like to do is knock us down in the back room, but it's not possible because there are too many cameras."

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