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## The war over a single letter -- eToys vs. etoy and civil disobedience protests via the Web

By [Sean M. Dugan](#)

DOES CIVIL DISOBEDIENCE have a place in cyberspace? I've been wondering about this question in light of the dispute between eToys and etoy.

Like the locals from an old neighborhood who are irritated by the arrival of the nouveau riche, many veteran Net heads deplore the commercialization of the Internet. The eToys vs. etoy battle is indicative of the clash between new-money commerce companies and old-time Internet culture.

In case you missed it, etoy -- singular, not plural -- is a group of Swiss artists and pranksters of some fame within certain circles. On the other hand, eToys is one of the top commerce sites on the Internet and valued at slightly less than \$4 billion as of this writing.

Now, you've probably noticed the similarity in their names. And that's at the heart of a bitter legal dispute between the two; eToys filed suit against etoy, alleging a trademark infringement. Etoys finally backed down and dropped its lawsuit after generating a small firestorm of a controversy. Network Solutions managed to toss a little more gasoline on the fire by unplugging etoy's e-mail, something that arguably went beyond the scope of the original restraining order.

In the real world, different companies with similar names can distinguish themselves by location, physical structures, and the like. On the Internet, a single letter can be all that separates two wildly different organizations.

But let's be crystal clear about one thing: Despite some press accounts of this story, etoy vs. eToys was not an example of someone cybersquatting on a valuable domain, looking for a cash windfall. According to the Whois database of who owns which domain names, etoy.com and its record were first created on Oct. 13, 1995; eToys.com's record was created on Nov. 3, 1997.

It's really rather simple: The etoy artists and their Web site predate eToys by two years. But eToys has a trademark and millions of dollars invested in its brand.

Regardless of your position on the issue, the eToys lawsuit was quite a blunder. The move to block the etoy Web site smacks of a big-money corporation using its muscle to push around the little guy, something that always gets you a lot of popular support. You have to wonder: After all the money eToys spent to promote its brand, couldn't the company have come up with a better solution? It makes you wonder how eBay has restrained itself from suing eBoy.com and whether Buy.com should sic its lawyers on Buys.com. And let's not bring up Whitehouse.com and the subtle distinction between it and Whitehouse.gov.

Several groups and individuals started Denial of Service (DoS) attacks on eToys and its Web site. Having customers locked out of the site during the all-important holiday retail season potentially could have had devastating economic consequences for the e-tailer. According to eToys officials, site availability only dropped 2 percent; others say eToys and its availability was seriously affected.

DoS attacks aren't legal; they deny owners and legitimate users access to property. It's clearly an infringement on a company's Web site. At the same time, launching a DoS attack is not the same as cracking a site and defacing it or destroying data.

Consider this: How is the little guy is supposed to fight an injustice against Goliath? A few artists taking on a multibillion dollar dot-com giant doesn't seem like much of a fight. As an example, in order to protect its name, etoy has had to fight eToys in a Los Angeles court.

So how do you conduct civil disobedience on the Internet? The classic form of nonviolent civil disobedience is a sit-in, often blocking access to businesses or government facilities. Martin Luther King Jr. changed the fate of this country and millions of people with it. Mahatma Gandhi freed a nation.

I'm not going to be facile enough to say that the etoy struggle is comparable to the struggle for human freedom. But the Internet is changing everything in our society. And the techniques of real-world social change will find an analogy online.

And yes, protesters are often going to annoy and irritate. But they draw your attention to a cause. And that's really the point of social protest.

## **Forum**

etoy vs. eToys: When a dot-com plays dirty over a name, where does the problem lie?