

Technology | CYBERTIMES

The New York Times
ON THE WEB

Home

Site Index

Site Search

Forums

Archives

Marketplace

IN THE BEGINNING... WAS THE COMMAND LINE

IN STORES 11.89.99

neal stephenson

December 18, 1999

ISP Blocked After eToys Protest

By MATTHEW MIRAPPAUL

Access to Thing.net, an Internet service provider for digital artists, was blocked for 13 hours Friday until one of its subscribers agreed to remove a protest site directed against eToys, the Web's leading toy retailer

Electronic Disturbance Theater (EDT), a politically active online-arts group, had been staging a "virtual sit-in" at its site to protest eToys' efforts to stop etoy, a pioneering Internet-art ensemble, from using the domain name www.etoy.com. The "sit-in" consisted of asking visitors to the EDT site to program their Web browsers to repeatedly go to the eToys site, potentially slowing its functions during the busy holiday shopping season.

A new twist in a domain dispute between art and commerce.

dispute.

Ricardo Dominguez, EDT's co-founder, said he willingly closed the protest site after the Thing.net staff alerted him to its problem. He said the protest had met its goal of generating interest in the etoy vs. eToys domain-name

Reached on a cellular phone in a New York restaurant on Friday evening, Dominguez said: "The [sit-in] tool has been extremely effective. It was never created to bring down a server or change a Web page."

If anything, the protest succeeded in bringing down its own server. In a telephone interview from his New



*It's that taxing
time of year again*

Need Help?

Visit Our:

Tax Center

Retirement Resource
Center

Personal Financial
Planning Service

Wealth Management
Services

vanguard.com

Check out our
interactive
planning tools

Online Planner

The Cost
Comparison Tool

Fund Finder

Fund Comparison
Tool



THE VANGUARD GROUP

York office, Wolfgang Staehle, Thing.net's executive director, said: "People called when they couldn't get into their Web sites. They were outraged."

Staehle said Thing.net, which began as an arts-oriented computer bulletin board in 1991 before moving to the Web in 1995, hosts between 200 and 300 Web sites created by artists.

According to Matt Bell, a spokesperson for Verio Inc., which supplies Thing.net's high-bandwidth "backbone" connection to the Internet, someone from eToys contacted Verio's network-operations center in Dallas around midnight Thursday night to notify security officials about large amounts of traffic coming from Thing.net.

Ken Ross, a spokesman for Santa Monica-based eToys, said late Friday, "By policy, we would not comment on routine security and maintenance issues."

Verio's customer-use policy prohibits denial-of-service attacks, a malicious technique that can disable a Web site by flooding it with traffic. When Verio officials could not contact Thing.net executives, they installed a filter on the entire site at about 2 a.m. They eventually reached Thing.net staff to explain the problem, and access was restored around 3 p.m. when Dominguez agreed to shutter the EDT site.

An etoy spokesman who gave his name as "zai" (the group's dozen or so members do not divulge their real names) denied that his group was responsible for the sit-in or any of the other online protests that have been directed at eToys after it won the first round of its legal battle against etoy.

From Zurich on Friday night, zai said, "We are happy that people are doing something about it [the court case], but it's also a little bit scary because people might think we had something to do with it [the protest]."

When the sit-in was launched Wednesday afternoon, activity on the eToys site was not discernibly affected. Ross, the spokesman, said, "We've got the capacity to handle millions and millions of hits this holiday season."

Dominguez said the virtual sit-in will continue to be staged from several European mirror sites, and additional protests are being brewed at the Web sites of RTMark and other etoy sympathizers.

Although the case is at one level a routine domain-name dispute, it has become something of a Web cause celebre among those who resent the growing influence of commercial interests on the Internet because they fear it will limit artistic expression.

In the meantime, zai and his colleagues have moved their site from www.etoy.com to a numeric address, where they have launched a site in exile. Last week, the group also lost the use of its e-mail when the domain registrar Network Solutions put the challenged name on hold in response to a court order.

On Nov. 29, a Los Angeles Superior Court judge issued a preliminary injunction ordering the artists to stop using the domain name www.etoy.com. EToys.com had sued the artists in September, accusing them of trademark infringement, trademark dilution and unfair competition after hearing from customers who went to the art site by mistake, including some who complained about its profane language.

The artists, who mimic corporate behavior for artistic purposes, stopped using the domain name immediately, fearing fines of up to \$10,000 a day if they defied the judge's order. The two sides are scheduled to meet again on Dec. 27, when it is possible they may reach a settlement. Ross has maintained that eToys would like to reach an amicable settlement with the artists. Both sides say that eToys has offered to pay more than \$400,000 to acquire the domain.

The seven original etoy members joined forces in October 1994. They registered the [etoy.com](http://www.etoy.com) domain in October 1995, and launched their site soon after. Etoy applied for a trademark on its name in the United States in 1997 but has yet to receive one. EToys was not founded until 1996, and registered its domain name the following year.

Related Articles
[EToys Lawsuit Is
No Fun for Artist
Group](#)
(December 12,
1999)

Unlike etoy, though, it does hold a U.S. trademark for its name.

Related Sites

These sites are not part of The New York Times on the Web, and The Times has no control over their content or availability.

- [Thing.net](#)
- [eToys](#)
- [Electronic Disturbance Theater](#)
- [etoy](#)(numeric address)
- [Verio Inc.](#)
- [RTMark](#)
- [Network Solutions](#)

Matt Mirapaul at mirapaul@nytimes.com welcomes your comments and suggestions.



[Home](#) | [Site Index](#) | [Site Search](#) | [Forums](#) | [Archives](#) | [Marketplace](#)

[Quick News](#) | [Page One Plus](#) | [International](#) | [National/N.Y.](#) | [Business](#)
| [Technology](#) | [Science](#) | [Sports](#) | [Weather](#) | [Editorial](#) | [Op-Ed](#) | [Arts](#) |
[Automobiles](#) | [Books](#) | [Diversions](#) | [Job Market](#) | [Real Estate](#) | [Travel](#)

[Help/Feedback](#) | [Classifieds](#) | [Services](#) | [New York Today](#)

[Copyright 1999 The New York Times Company](#)