

**h2so4**

cover page  
issue info  
editorials  
politics/philosophy  
art/love  
live/life  
what we review  
dear philosopher  
glossary  
subscribe!  
submit to h2so4!

distribution  
web rings

Enter your email  
to receive updates:

Submit

h2so4  
po box 423354  
sf, ca 94142

published twice  
yearly

issn 1083-3897

edited by  
Jill Stauffer

## Sell eToys. Buy etoy.

*Another incident of corporate censorship on the world wide web*



Surely you've heard by now. Internet domain names are worth a lot of money. Just the other day, business.com changed hands for over \$7.5 million. If you think that's silly, I'm sure you find "cybersquatting" even sillier. Evil people register domain names, say, "microsoftwindows.com," in the hope of extorting large sums of money from innocent corporations with similar sounding names or products. These companies need these domain names since unwitting consumers might mistype, misguess, or misremember the real domain name, and land at the squatter's site, thus depriving the company of potential business. That, of course, is bad. So, the innocent companies defend themselves by suing the pants off of evil domain squatters, and lobby for legislation that would make it illegal to register a domain name that sounds similar to a registered trademark.

Of course, it was only a matter of time until corporate profits and artistic freedom collide that way. On September 10, 1999, online toy retailer eToys sued art collective etoy over the group's domain etoy.com.

What happened? On August 25, eToys received an angry letter from one of their customers. Apparently the gentleman's grandson had tried to shop for toys, but mistyped the domain name, and landed at etoy's site. There he was advised that the artists' site can only be viewed using Macromedia's Flash technology, and that he should "get the fucking flash plugin." Grandpa promised to take his business elsewhere. eToys got upset, and sued etoy for trademark infringement, dilution, and unfair competition. They won a preliminary injunction on December 29 which shut down etoy's website.

What is particularly galling about this affair is that eToys isn't even in the right. etoy used the etoy.com domain already in 1995, two years before the eToys.com domain went live. And for two years, eToys did not have a problem with etoy.com. If anything, eToys is diluting etoy's trademark, not the other way round.

etoy was formed as a collective of "agents" in Switzerland, Italy, Austria, England, the U.S. and elsewhere in 1994. The group operates as a "corporation", and purchasing their pieces makes you a "shareholder." In this framework, etoy's projects subvert and criticize the behavior of real-life corporations, poke fun at their inflated stock prices, and thematize corporate

advertising practices in the best tradition of conceptual media art and "culture jamming." One of their most publicized projects was the "digital hijack" of over 1 million search engine users, when etoy managed to divert traffic on popular keywords like "Madonna," "Porsche," or "Penthouse" to their own site, where the searcher was greeted by a page asking them to "**Dont fucking move. This is a digital hijack.**" The project won electronic arts' most prestigious award, the Golden Nica in the internet art category, in 1996.

etoy has always consciously styled itself as a business, with an etoy businessplan, etoy branch offices, etoy products, and, of course, etoy shares. As such, their use of the .com domain is an integral part of their artistic mission. Without an address in the prized area of the internet namespace shared by microsoft.com, att.com, et al., etoy would lose a lot of artistic "business." This is just the outcome of eToy's lawsuit, tantamount to corporate censorship of art. When profits are to be had, art, especially anti-corporate art, must move out of the way.

This episode is another sad example of how multibillion-dollar corporations will threaten, sue, attempt to buy, or otherwise intimidate anything that stands in the way of their business. It doesn't have to be that way. I, for one, will certainly do my Christmas shopping elsewhere. Hmm, maybe I'll give etoy.SHARES as gifts.

--Richard Zach

## References

**Toywar**, the temporary website of etoy. Sponsored in part by everyone's favorite culture jammers, ®<sup>TM</sup>ark.

**Media coverage** of etoy and the domain name dispute.

## etoy.CORPORATION now rated as "Strong Buy"

If you are not a US citizen and are not located in the US, you can **support etoy** by buying etoy.SHARES. Otherwise, you'll just have to donate, or buy a t-shirt from them or something: [offshore@etoy.com](mailto:offshore@etoy.com)

## Write to or call eToys to protest

President and CEO  
Toby Lenk  
(310) 664-8100  
(310) 664-8101 (fax)  
[tlenk@etoys.com](mailto:tlenk@etoys.com)

Investor Relations  
Suki Shattuck