

Hello Curtis,

Thank you for submitting your AdSense for Domains trademark complaint.

We have reviewed your complaint. Please note that we will not be able to investigate your complaint at this time because:

These domains are comprised of generic or descriptive terms. Descriptive and generic terms are free for all to use, and therefore we do not take action against domains comprised of descriptive or generic terms.

In addition, please note that these terms are not actively registered in the country indicated. If you would like us to investigate further, please send us information showing that you own active registrations for these terms. Alternatively, if the country recognizes common law rights, please confirm that you own common law rights for your trademark, and send us proof that you are using that trademark in that country.

Best,
Google AdSense for Domains

Original Message Follows:

From: "Services Admin" <adsense-domains-trademark@google.com>
Subject: Google AdSense for Domains Trademark Complaint
Date: Sun, 01 Nov 2009 15:40:28 -0800 (PST)

>
> Hello,
>
> This is an auto-generated email. Please do not reply.
>
> Thank you for using our online trademark complaint form. We have
> received your complaint and have queued it for review. Once our
> investigation of your complaint is complete, we will send you an
> email confirmation. Please note that we receive a high volume of
> trademark complaints and address them in the order they are received.
> We appreciate your patience.
>
> If your complaint is missing any information, we will contact you
> via email. Also, please keep your email address updated as we will
> use this as our primary means of communication with you.
>
> Here is the information we received:
>
> Name: Curtis Neeley
> Title: Curtis J Neeley Jr., MFA
> Company Name: Neeley Publications
> Relationship: self
>
> Trademark owner same as above? Yes
>
> TRADEMARK OWNER INFORMATION, IF DIFFERENT THAN ABOVE
> TM Owner Name:
> Address:
> Email:
> Phone:
>
> TRADEMARK DETAILS
>
> Are there more than 10 trademarks? No
> If yes, the attached document will be sent for review.
>
> Trademark 1
> Trademark: SleepSpot.com
> Country: USA
> Word/Design: Word
> Registered? No, I claim use rights
> Application or Registration Number: N/A
>
> Trademark 2
> Trademark: Eartheye.com
> Country: USA
> Word/Design: Word
> Registered? No, I claim use rights
> Application or Registration Number: N/A
>
>
> DOMAINS
> Are there more than 10 domains? No
> If yes, the attached document will be sent for review.
>
> Domains
> http://www.SleepSpot.com
> http://www.EarthEye.com
>
> CLARIFICATIONS
> NameMedia dba BuyDomains 'cybersquatted' my domains while I was
> incompetent due to a severe TBI. I alerted them to my prior use and they
> asked that I submit a bid greater than 2,600 on Eartheye.com because the
> saw the TM had not been registered.
>
> They ran ads on Eartheye.com for five years until they sold the domain
> in a blatant TM violation. They have run ads on SleepSpot.com for six
> years and are running them now. I used SleepSpot to serve hospitality
> reservation software. There was a history of it available on the Internet
> Archive until August of this year when they disabled the IA spider with a
> robots text file. I am extremely angry and have filed a Trademark
> Infringement Lawsuit in US Court 5:2009cv05151. I am seeking in excess of
> ten million dollars. I realize that seems excessive to many, but its only
> around one-sixth of one year's annual profit for a violation that spanned
> six years. They also intentionally created emotional damages.
>
> I plan to add Google to the suit or the next due to these TM issues when
> I find during discovery that Google paid NameMedia for ads to be run on
> the sites. I think we can assume that Google will be added. I am
> extremely angry and will seek that Google be required to perform a
> registration verification that requires a domain ad account to be the
> original registrar of the domain. That could be done automatically and
> instantly and a domain advertiser who is not the original registrar should
> be prevented from using a prior TM without demonstrating a license to use
> the TM and certifying that it is not a 'cybersquatted ad site'.
>
> I am not sure of the damages I will seek, however, I know without a
> doubt that Google is aware that they make thousands each day while running
> ads on domain 'cybersquatters', as the system is now. You say that you
> are not in a position to arbitrate TM issues and use that as the excuse to
> mitigate a harmful action. You are in a position of profiting from the
> violations and I believe a jury will agree. They will also agree that
> Google encourages 'cybersquatters' as a pattern of business because of the
> income it produces.
>
> In my next lawsuit, I will seek to end ALL Google domain ads. There
> should be no comparison between a "domain-portfolio" and a portfolio of
> billboards. Domains are intellectual properties only. A domain that is
> parked is nearly always 'cybersquatted'. Google is regularly conspiring
> with cybersquatters. A parked domain should never be allowed to run ads.
> Google is aware that a parked domain is nothing but an ad site. Allowing
> them is a demonstration of an intent to profit by sites and conspiring to
> deceive regular search users. SleepSpot.com tries to manipulate the
> Google search. Google knows the site has been a parked ad site for the
> last six years. Google and NameMedia are co-conspiring to deceive those
> searching for content and not searching for an ad site. Google ads are
> currently running on the domain so Google will be involved now for sure. I
> just checked SleepSpot and clicked a few ads to help give me standing on
> grounds.
>
> The content network should have a parked site exemption! It will after
> my lawsuit for sure. I may have paid for ads at sites like sleepspot or
> ad sites run by NameMedia.
>
> This complaint is not a threat. This is simply an attempt to resolve
> this TM and deceptive ad policy issue out of court. You may respond by
> email. I will send this in email and post it on my BLOG today.
>
> The new owners of EarthEye.com are legitimately using the domain
> currently. If they run ads it is alright. SleepSpot.com being allowed to
> continue running Google ads will increase the damages I request. I will
> generate PDFs to introduce as evidence starting today. Consider this a
> cease and desist.
>
>
>
> LEGAL AFFIRMATIONS
> * I have a good faith belief that use of the trademarks described
> above with the advertisements described above are not authorized by the
> trademark owner or its agent, nor is such use otherwise permissible under
> law.
>
> * I represent that the information in this notification is true and
> correct and that I am authorized to act on behalf of the trademark owner.
>
> If you have additional questions at this time, please visit our Help
> Center at <http://google.com/support/adsense/> to find answers to many
> frequently asked questions.
>
> Sincerely,
>
> Google AdSense for Domains
>