

LAWSUIT PITS COLLEGESOURCE AND ACADEMYONE AGAINST EACH OTHER

Google™ ADWORDS

Dating back to last decade, many lawsuits have taken place regarding trademarks for competitive keyword advertising. Only a handful has come to a conclusion in the country's court system, in comparison to settlements made outside of court. Trademark owners normally lose, according to Forbes and their report from earlier this week. A recent lawsuit disputes two web services that help college student research to transfer to other schools. CollegeSource filed suit against Academy One for a lengthy list of wrongdoings, especially competitive keyword advertising. CollegeSource possesses trademarks "CollegeSource" and "Career Guidance Foundation". AcademyOne holds keywords "college", "college source", "career guidance" and "career guidance foundation" in Google AdWords. Its copy shows the headlines "College Transfer Help" or "Find Transfer Information" and the address "collegetransfer.net", but didn't use CollegeSource's trademarks. The court system sided with AcademyOne's. One reason was because CollegeSource had little proof of consumer mix-ups considering AcademyOne only received 65 ad clicks in a single month. Also, AcademyOne's advertisements were concisely displayed without CollegeSource's name in their advertisement. There are many other cases where court has been involved in such keyword advertising disputes. In *CJ Products vs. Snuggly Plushez* and *InternetShops v. Six C* in 2011, both plaintiffs were slapped with an injunction. In *Storus v. Aroa* in 2008, the plaintiff won the case on summary judgment. Plaintiffs have also won at trial, such as *Binder v. Disability Group* in 2011. This dispute was settled by the Ninth Circuit ruling in Network Automation. The defendant has also won these as well. *J.G. Wentworth v. Settlement Funding* (2007), *Designer Skin v. S&L Vitamins* (2008), *1-800 Contacts v. Lens.com* (2010), *Montana Camo v. Cabela's* (2011) and *Jurin v. Google* (2012) all saw the defendant win via summary judgment. In *Fair Isaac v. Experian* (2009), the defendant won at trial in a post-trial ruling. *College Network v. Moore* (2009, 2010) and *Consumerinfo v. One Techs* (2011) were rendered in favor of the defendant after trial. Sometimes, it's not even worth pursuing legal action. Of the cases mentioned, some of them cannot be explained in terms of pure numbers. In *Storus v. Aroa*, Aroa had 1,374 clicks in 11 months. Even if each click was generously valued at \$1, the suit is only worth about \$1,400. In *King v. ZymoGenetics*, ZymoGenetics had 84 clicks. In *Sellify v. Amazon*, Amazon got 1,000 impressions and just 61 clicks. In *800-JR Cigar v. GoTo.com*, the search engine created \$345 in revenue. In *1-800 Contacts v. Lens.com*, 1-800 Contacts spent \$650,000 on lawyers in seeking a value of approximately \$40,000. InternetShopsInc.com went after Six C, who recorded 1,319 impressions, 25 clicks and no sales.