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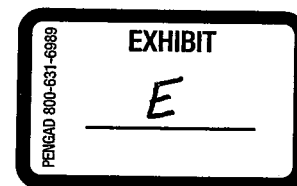
Google Employee Alleged To Have Bypassed AdWords Trademark Policy For Own Benefit

Apr 8, 2009 at 3:01pm ET by [Danny Sullivan](#)

Well-known internet marketer [Jeremy "ShoeMoney" Schoemaker](#) has filed suit against [Keyen Farrell](#), apparently a Google employee alleged to have used Schoemaker's US-registered trademark in search ads on Google. While issues over trademarks in search ads are heating up, the bigger issue in the case is why Google itself didn't take action to stop the ads and whether an employee did indeed access Schoemaker's AdWords account to gain competitive data.

Google's trademark policy allows for trademarks to "trigger" ads — make ads appear when a trademark word is involved in a search query — but it prohibits advertisers from using trademarks in the title or description of ad copy. That's the core of Schoemaker's [complaint \[PDF file\]](#) — that ads were showing for his nickname, "ShoeMoney," which is also the name of his web site and a registered trademark.

For example, here's a screenshot Schoemaker provided of the ad using "ShoeMoney" in the title from last week:



Google [Advanced Search](#) [Preferences](#)

Web Video Results 1 - 100 of about 154,000 for shoemoney.com (0.16 seconds)

AdSense check for 132994.97
 AdSense check for 132994.97. This was the biggest paper check I have ever received. It was way back in August of 2005. 100% of this income was earned with ...
www.shoemoney.com/gallery/misc/adssensecheck.jpg.html - 11k - [Cached](#) - [Similar pages](#) -

ShoeMoney® - Its Like Fishing With Dynamite
 shoemoney: Will be TI. Eliminating the hottest chicks on rot busd tour ... And is now rallying all the ShoeMoney haters on Twitter (which are not hard to ...
www.shoemoney.com/ - 66k - [Cached](#) - [Similar pages](#) -
 More results from www.shoemoney.com »

How Top Bloggers Earn Money | BusinessWeek
 The half hour he spends each day writing ShoeMoney attracts 20000 unique visitors daily, brings in \$12000 a month, and gives him a platform from which to ...
images.businessweek.com/ss/07/07/0714_bloggers/source/4.htm - 7k - [Cached](#) - [Similar pages](#) -

ShoeMoney Internet Marketing Tools
 ShoeMoney Tools is the first service focused entirely on helping you make more cash ...
 Ready to get started making money with ShoeMoney Tools? Username: ...
<https://tools.shoemoney.com/> - 7k - [Cached](#) - [Similar pages](#) -

Building Keyword Lists « ShoeMoney Tools Forum
 For example, if you enter the domain careerbuilder.com (one of the biggest job sites) in the shoemoney tools keyword grabber, it will tell you that they bid ...
<https://tools.shoemoney.com/forum/topic/building-keyword-lists> - 23k - [Cached](#) - [Similar pages](#) -
 More results from <https://tools.shoemoney.com> »

Sponsored Links

ShoeMoney Tools
 Use Code economystx09
 For First month Only \$9.95
tools.shoemoney.com

Fast Cash Advance to \$500
 Get Cash in Your Account in 1 Hour!
 Easy Application - Instant Approval
1-Hour-Cash-Advances.com

Shoemoney
 Been There, Tried That. Own the Site that Earned Me \$313K in 1 Year
MyIncentiveWebsite.com

These ads have been showing for the past few months, Schoemaker told me via IM. They shouldn't have, given that Schoemaker previously had filed a trademark complaint action with Google back in 2007. On November 1, 2007, Schoemaker was told (according to an email he forwarded to me):

Google AdWords Trademark Team Thu, Nov 1, 2007 at 4:13 PM

Hello Jeremy,

Thank you for sending us your trademark complaint letter. Your complaint has been processed and the ad texts in question no longer include your trademark: SHOEMONEY. Please note, we only processed the exact trademark you submitted. If you would like us to investigate variations or misspellings of your trademark, please supply us with a list of the exact variations or misspellings and we will review them. Please do not hesitate to contact us with any additional questions or concerns.

That prevented anyone from using the word "shoemoney" in their ads, as you can see is still the case in the screenshot below, when I tried to create an ad with the word earlier today:

Create an ad

Your ad doesn't appear to comply with one or more of our editorial guidelines. [?] See problems below. Please review your ad and make any necessary modifications. If you feel this message is in error, you may apply for an exception and continue. Your ad may not run until the request is approved.

Create ad: Text ad | Image ad | Display ad builder New! | Local business ad | Mobile ad | Click-to-play video ad

Shoemoney
 Looking to buy shoes?
 Shoemoney helps you earn!
 searchengineand.com

Ad text with errors highlighted.

Shoemoney
 Looking to buy shoes?
 Shoemoney helps you earn!
 searchengineand.com

Ad text with any revisions you make below.

Headline: Max 25 characters

Trademarked Term
 Due to trademark reasons, we do not allow advertisers to use 'Shoemoney' in their Google AdWords ads. This term may be trademarked either for a certain product or service category and may apply only in certain countries.
 Request an exception

So how was it that these ads started showing? Somehow, the advertiser got an exception or found some other way round Google's block. Since the advertiser also appears to be a Google employee, that raises serious issues about Google's own internal policing.

As the TechCrunch article on the case explains, at first Schoemaker couldn't tell who was behind the ads. While the ad pointed at myincentivewebsite.com, contact details for that site were masked using a privacy address for the domain name registration. So Schoemaker got a subpoena demanding that that the site's web host hand over the advertiser's name and contact details, he told me.

According to Schoemaker's lawsuit, the advertiser was Keyen Farrell. As TechCrunch explains further, Schoemaker said he spoke with Farrell, who apparently denied any wrongdoing. As part of that conversation, Farrell apparently shared a list of terms he was targeting — which raised alarms with Schoemaker, as they were similar to his own list.

Doing more checking, Schoemaker found a LinkedIn profile where Farrell listed himself as working as a Google AdWords account strategist. That's since changed (Schoemaker says it was changed the day he filed suit), but here's how it looked from a screenshot that Schoemaker sent me:

This is Google's cache of <http://www.linkedin.com/pub/7294384/>. It is a snapshot of the page as it appeared on 28 Mar 2006 05:16:28 GMT. The current page could have changed. These search terms are highlighted: keyen farrell google

Keyen Farrell
Account Strategist at Google
Greater New York City Area

Current: Account Strategist at Google
Education: Colby College
Connections: 17 connections
Industry: Marketing and Advertising

Keyen Farrell's Experience
Account Strategist
Google
(Public Company: 10,001 or more employees; GOOG: Internet Industry)
Currently holds this position

Keyen Farrell's Education
Colby College
2003 — 2007

Keyen Farrell's Contact Settings
Interested in:
• job inquiries • expertise requests
• business deals • reference requests
• getting back in touch

Name Search
Search for people you know from over 35 million professionals already on LinkedIn.
First Name: [] Last Name: []
(example: Jeff Wilkes) [Search]

Public profile powered by: **LinkedIn**
Create a public profile: Sign in or Join Now

View Keyen Farrell's full profile!
• See who you and Keyen Farrell know in common
• Get introduced to Keyen Farrell
• Contact Keyen Farrell directly
[View Full Profile]

Farrell is listed as an employee with Google's New York office, so all indications are that he does indeed work for Google. When I called and selected him by name from the automated company directory, I got to his voicemail that started, "Hi, this is Keyen with Google." Farrell was also featured in a Spring 2006 article from Colby College about how he used Google's ad systems to run an online business that he said put him "in the top one percent in income in the U.S." If that was the case, of course, it makes you wonder why he apparently later worked what appears to be a low-level job at Google.

Talking with Schoemaker, he stressed that he assumes Google itself had no knowledge of Farrell's actions, nor is he filing suit against Google itself.

Our goal in this is not for financial gain but to defend our trademark that we have spent many years building trust with. People [commenting on] the TechCrunch story talk like Google is going to write me a big check, but that is just silly. This is not going to be a cash flow positive thing for us I am pretty sure. And I do not honestly think nor do we have any evidence that Google was involved or had knowledge of this corrupt employee

I agree — Google probably wasn't aware of what was going on. But it still raises questions about how people are able to bypass trademark blocks and how secure AdWords accounts are. Clearly an AdWords specialist would need the ability to review client accounts, but it's still disturbing to think that they could be snooping for reasons unconnected with actually helping those clients.

Suit for Farrell, Schoemaker's suit seeks:

- An injunction preventing the use of "shoemoney" in ad text
- An accounting of revenue earned by using the "shoemoney" term
- Damages to be determined at trial
- Attorney fees and costs

We've asked both Google and Farrell for comment but haven't heard back from either yet.

Postscript: Google has sent:

While we take this kind of allegation seriously, we're not able to comment on specifics right now.



Danny Sullivan is editor-in-chief of Search Engine Land. He's a widely cited authority on search engines and search marketing issues who has covered the space since 1996. Danny also oversees Search Engine Land's [SMX: Search Marketing Expo conference series](#), maintains a personal blog called [Daggle](#) and can be followed on Twitter [here](#).

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COMMENTS ON Google Employee Alleged To Have Bypassed AdWords Trademark Policy For Own Benefit

Cohn, April 8th, 2009 at 5:18 pm ET:

the employee's alleged actions aren't -

A breach of trust
Grounds for dismissal

When what are they?

Dugdale, April 9th, 2009 at 12:04 am ET:

Now, this story is amazing and a little scary at the same time. Sounds like Jeremy has a pretty good case.

If this actually goes to trial and Google has to show some of their systems in court it will be very interesting. Perhaps Google's black box will be a little less black after this.



Chris Smith, [April 9th, 2009 at 10:24 am ET](#):
[Premium member since 01/2009](#)

I have a theory as to how the trademark block was bypassed:

Google may allow ads to target trademark keywords, while the system checks against trademarks in static text.

However, I think that the ad may have been set up dynamically to parse the search keyword into the ad copy — something their blocks may not've been set to detect. Yet.



chiropractic, [April 9th, 2009 at 1:55 pm ET](#):
[Premium member since 01/2009](#)

Good to see Schoemaker working to protect his brand, it must be frustrating as hell to keep tabs on all the activity of those trying to profit off of his name. Hope this goes well for him.

JezC, [April 10th, 2009 at 10:12 am ET](#):

@Chris Smith - Dynamic Keyword Insertion can block trademarked terms as Keywords. It isn't a perfect mechanism, though.

Additionally, human error can result in similar problems. A client of mine with a UK national brand was unable to use their own name, while a US dentist was advertising with the trademarked name in the UK (and was wildly unlikely to attract customers for a radically different product). Mistakes happen, as well as intentional activity. Both problems were caused by Google staff checking boxes adjacent to the ones that should have been checked.

The article describes something that sounds intentional and malicious, though.

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