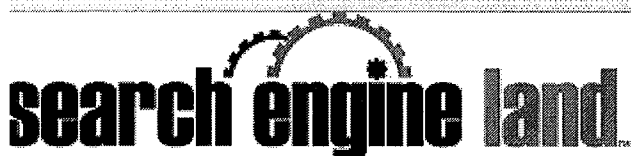


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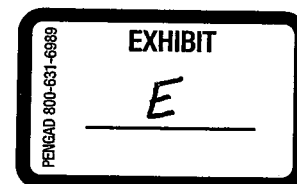
# Google Employee Alleged To Have Bypassed AdWords Trademark Policy For Own Benefit

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 recieved. It was way back in August of 2005. 100% of this income was earned with ...  
[www.shoemoney.com/gallery/misc/adssensecheck.jpg.html](http://www.shoemoney.com/gallery/misc/adssensecheck.jpg.html) - 11k - [Cached](#) - [Similar pages](#) -

**ShoeMoney® - Its Like Fishing With Dynamite**   
 shoemoney: Wit bre 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/](http://www.shoemoney.com/) - 68k - [Cached](#) - [Similar pages](#) -   
 More results from [www.shoemoney.com](http://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/sources/4.htm](http://images.businessweek.com/ss/07/07/0714_bloggers/sources/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](http://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](http://1-Hour-Cash-Advances.com)

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[MyIncentiveWebsite.com](http://MyIncentiveWebsite.com)

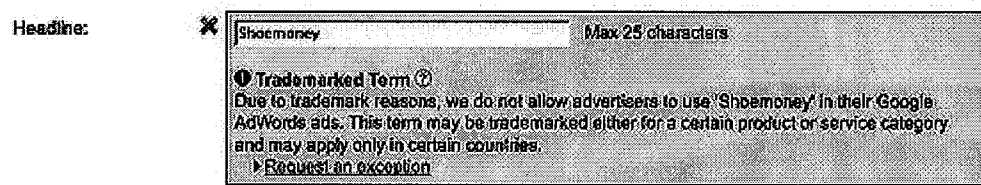
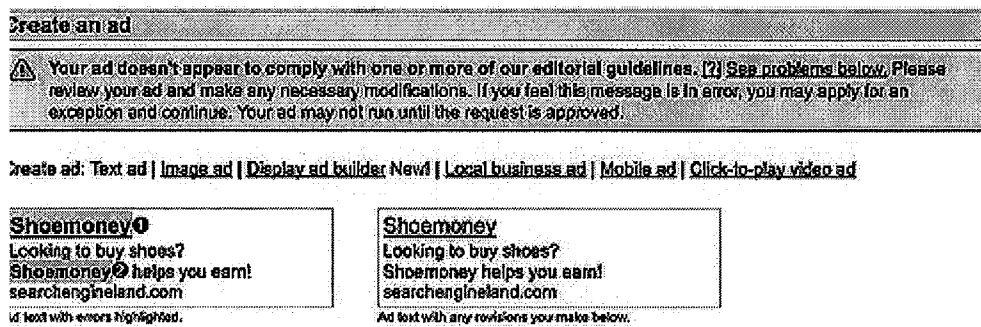
These ads have been showing for the past few months, Schoemaker told me via IM. They shouldn't have, given that Schoemaker previously had filed a trademark complaint action with Google back in 2007. On November 1, 2007, Schoemaker was told (according to an email he forwarded to me):

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:



So how was it that these ads started showing? Somehow, the advertiser got an exception or found some other way around 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:



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

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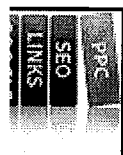
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### COMMENTS ON Google Employee Alleged To Have Bypassed AdWords Trademark Policy For Own Benefit

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

the employee's alleged actions aren't -

A breach of trust  
Grounds for dismissal

then what are they?

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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.

<http://searchengineland.com/google-employee-bypassed-adwords-17250>

6/18/2009

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.

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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.

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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.

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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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- [MarcD said](#) " Nice story! I just want to add that Bing makes me think of Chandler Bing of Friends. I'm not sure if"
- [cheinyeanlim said](#) " For years, Microsoft has tried to shrug off its reputation as a monopolistic tyrant. Today comes new"

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