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Vol. IX, Tab 41 - Ex 6 - Google Three Ad Policy Changes

Google

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Overview



Although advertisers are responsible for the keywords and ad text that they choose to use, Google is willing to perform a limited number of cases of trademark infringement.

Google will continue to prevent advertisers from using "restricted" trademarks in their ad text or ad files unless the advertiser is authorized to do so by the trademark owner.

Google will continue to use a trademark complaint procedure for trademark owners.

Three Ad Policy Changes

- Trademark
- Online Gambling
- Online Pharma



April 7, 2004

GOOG-RS-0066596



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April 7, 2004

Trademark Policy Changes

TRADEMARK POLICY CHANGES
Three New Policy Changes

April 7, 2004

Google



GOOG-RS-0088597

Google Overview

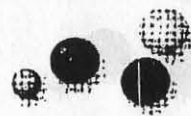
OLD POLICY

- Although advertisers are responsible for the keywords and ad text that they choose to use, Google is "willing to perform a limited investigation of reasonable complaints."
- After receiving complaint from trademark owner, we may disapprove ads with misleading content or disable keywords for ad campaigns running on complained-of trademarked terms

NEW POLICY

- Google will no longer monitor the usage of trademarked terms as *keywords* for trademarks registered in the US & Canada.
- Google will continue to prevent advertisers from using "restricted" trademarks in their *ad text* or *ad titles* unless the advertiser is authorized to do so by the trademark owner.
- Google will continue to maintain a trademark complaint procedure for trademark owners.

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Google Overview

WHO IT AFFECTS

- Directly affects advertisers who have filed trademarks complaints with us and whose trademarks are registered in the US and Canada
- We will continue to monitor both keywords and creatives internationally

WHY

- Provide users with more choice and greater access to relevant information
- Google should not be arbitrating disputes between trademark owners and advertisers

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GOOG-RS-0068599

Google Why Current Policy is Unsustainable

1. Does not scale with business and product

- Manual, high-touch process
- Broad match complications lead to complaints
- Increased burden in past 18 months

2. Significant potential revenue impact

- About 7% total revenue driven by TM'ed keywords
- 449 keywords account for 20% revenue; of these 43 are TM's

3. AdWords marketplace restriction

- Users restricted from seeing relevant ads
- Advertisers not able to generate leads



Google Example

- Godiva has filed a trademark complaint with Google
- Ghirardelli could use "Godiva" as a keyword trigger, but not use "Godiva" anywhere in its ad creative
- Amazon could select "Godiva" as a keyword, and use "Godiva" in the creative *if* authorized to do so by Godiva

godiva chocolate

Google Search

Chocolate Easter baskets
 Spring gift baskets Easter candy
 chocolate bunnies, truffles & more
www.ghirardelli.com

OK

Chocolate Easter baskets
 Why settle for Godiva when you can
 have San Francisco's finest
www.ghirardelli.com

NOT OK

Godiva chocolate on sale
 Free shipping Huge selection! Easy
 online ordering Amazon affiliate
www.amazon.com

OK

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Google Launch Timeline

Date	Communications
4/7	Policy change "announcement" date – press briefing.
4/8	Legal sends email/letter notification of upcoming policy change to all companies who have filed a trademark complaint (advertisers and non-advertisers).
	CSRs/Sales/AW reps send email heads-up to main marketing contact for all advertisers who have filed a TM complaint.
	CSRs/Sales conduct follow-up strategy for most affected accounts (discussed in following slides).
	AFS team sends heads-up to selected strategic partners (done); reactive communications to all other partners.
	Post new policy on Google.com and AdWords news and updates pages.
April / May	Implement policy change (stop monitoring keywords).
	Include notification of policy change in newsletter to Online and Direct.

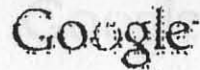
GOOG-RS-0068602

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Google Implications for Partners / Publishers

- All communications will be reactive
- We don't indemnify any of our partners for the content of the ads.
 - Slight increase in risk that we and our partners will be the subject of lawsuits from unhappy trademark owners
 - However, we believe our position is legally defensible, therefore the risk of any liability is low
- This does NOT affect monetization!!

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Trademark FAQs for Partners / Publishers

Why are we doing this?

Our goal is to provide our users more choice and have them determine which ads they find most relevant to their query. For this reason, we do not want to prevent advertisers from using certain keywords.

We will continue to perform a limited investigation of ads containing unauthorized trademarked terms as a courtesy to advertisers and users, whom we value highly. We are also more than happy to forward complaints from a trademark owner to an advertiser believed to be in violation of a trademarked term.

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Google Trademark FAQs for Partners / Publishers

Will it have any monetization impact?

No. Our partners' monetization will not be affected by this change.

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Google Trademark FAQs for Partners / Publishers

Will partners' liability increase?

We don't indemnify any of our partners for the content of the ads. There is a slight increase in risk that we and our partners will be the subject of lawsuits from unhappy trademark owners. However, we believe our position is legally defensible, therefore the risk of any liability is low.

Google Trademark FAQs for Partners / Publishers

What is Overture's trademark policy?

Overture's policy appears stricter up front: Overture requires advertisers to agree that their search terms, their listing titles and descriptions, and the content of their Web sites do not violate the trademark rights of others.

However, on a closer review of the policy (review link) they do leave an opening for advertisers to run on trademarked terms with some limitations.

You can review Overture's policy at:
<http://www.content.overture.com/d/USm/about/company/trademarkInfo.html>

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Google Trademark FAQs for Partners / Publishers

What is the impact on international trademarks?

Google's revised trademark policy applies to all active trademarks in the US and Canada only, regardless of the trademark owner's country of origin. We will handle trademark complaints for all other countries pursuant to the policy located at [<https://adwords.google.com/select/faq/guidelines.html#7>].