




1-1-2009

Vol. IX, Tab 46 - Ex. 1 "Fair use of trademark terms in some creatives"

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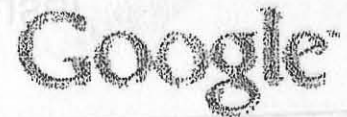
Google, "Vol. IX, Tab 46 - Ex. 1 "Fair use of trademark terms in some creatives"" (2009). *Rosetta Stone v. Google (Joint Appendix)*. Paper 79.

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Fair use of trademark terms in some creatives

Guha, Baris, Shivav



Confidential Attorney's Eyes Only

Current policy's impact on end user

Overly generic ads *

Buy 1,000,000 for discount guest shoes 0.25

Buy GUCCI Shoes Just \$549
Buy New GUCCI from Online Store,
30 Days Order Free & Fast Shipping
Google Shopping.com

70% off Prada Sneakers *
Save on Prada Sneakers & Sneakers
Free Shipping! Fast Delivery.
www.prada.com

Gucci Shoes on Sale \$99 *
Buy Gucci Men/Women's shoes Shipping
Fast Styles Great Selection in Stock
www.papershoes.com

Shoes On Sale \$99
Cash Back Free Shipping
At Up To 45% Off Retail Order Now.
www.leshaes.com/Gucci_Shoe

Designer Apparel *
Save up to 40% on Designer Apparel
at the Official Macy's Site
www.macys.com

70% Discount Prada Sneakers *
Spring Summer 2002 Free Shipping!
Starting From \$129 Fast Shipping!
www.ChesterCity.com

Gucci Shoes on Sale \$99 *
Brand new Gucci shoes in stock
Free Shipping Secure Card Checkout
www.gloj.com

GUCCI SHOES \$99.99 *
Save up to 40% Gucci shoes
Guaranteed low price shipping
www.ckhawaii.com

GOOG-RS-0251017

Alternate spelling ads that look spammy *

Buy 1,570,000 for nokia 6200 0.19

6200 *
\$10.50 ANF Online for Low Price in
American health care
www.athletes.com

\$1799.00 \$299.00 Voice Process
40 Pay Till July 03 by 600.00 Later
\$3.99 Official Website Dealer
BHPPhotoVideo.com/Showroom_Pages/6200

Nokia 6200 Classic Black *
6 mpa camera. GPRS. Synchro 2.3
Brand new 6200 (black) phone
www.igmp.com

Nokia 6200 Unlocked Phone *
Brand new Nokia 6200 in stock
On Sale in stock call 773-274-5724
www.webstargroup.com

Buy Cheap 6200 from \$99 *
Get Your Brand New 6200 from Only
\$99. Don't Wait, Order Yours Now!
Nokia.6200.HC@ep.nokia.com

Cell Phones *
6,000+ Cell Phones & Accessories.
Save on Cell Phones
Shopzilla.com/Nokia

Cell Phone Deals *
See All Deals & Accessories
For this model at FastStore.
www.FastStore.com

Electronics *
Compare & Save On All Electronic
Electronics at SHOPY.COM

Buy 1,000,000 for skincares 10

40% off CE Facial
\$13 for \$20. Delivery Wednesday
Samples 100! Rapid shipping.
www.skincares.com

Skin Care Deals Delivered *
Order online. Save Big.
Shipped within 24 hours.
www.Dermatologist.com

CE Facial \$99. Free Ship
Philanthropy \$118. MS \$245.
2 Oz CE Facial On Sale \$174.
www.Advance.com

Dermatologic Blowout Sale *
25% to 35% Off Dermatological
Free Samples - Free Shipping
www.dermatologist.com
California

Cauticals (Skin) On Sale
Buy Now & Save \$75 Off Retail Order
Free Shipping & Rec in 2-5 Days
www.to-derm.com

Anti-Aging Skin Care *
Low Price Guarantee. Free Shipping
Five Complex & No Harsh Products
Skincares.com/SkinCauticals

Facial Skincare *
Via Guarantee 100% Price Match
Order Online or Call 800-645-4327
www.WhatCosts.com/SkinCare

Wrinkle Cream Reviewed

TM owner influences which ads appear

Buy 1,000,000 for lexus 10.73

Lexus
Plan to Buy a Lexus December in
December Sales Event. Ends 12/31.
Visit: www.Lexus.com/Sales_Event
San Francisco-Oakland-San Jose, CA

Lexus of Stevens Creek
Find a Lexus Car or SUV Today.
Visit Your Authorized Dealer Online
www.LexusofStevensCreek.com
3323 Stevens Creek Blvd. San Jose

Lexus Official Site
Explore the New Lexus Vehicles.
GS7 Coupe & Sedan, LX, GX,
www.lexus.com

Magnum's Lexus
Magnum's Lexus. We Deliver.
Visit Local Lexus Dealer.
www.MagnumLexus.com
6500 Cushing Pkwy, Frantico

Why Choose At The Dealer?
All Makes & Models No Sales Tax!
Guaranteed Best Price
www.diamondautos.com
San Francisco-Oakland-San Jose, CA

Lexus of Pleasanton
Visit an Authorized Dealer for
a Collection of New & Used Cars.
www.LexusofPleasanton.com
4341 Rosewood Dr, Pleasanton, CA

Lexus of Concord
Save More & Lease Lexus Models.
Facing Info Available Online.
www.LexusofConcord.com
San Francisco-Oakland-San Jose, CA

Lexus of Sacramento
Save More & Lease Lexus Models.
Facing Info Available Online.

Impact on Revenue (US, UK only)

- TM Queries are
 - more commercial, clicky
 - less rpm, ads/query, CPC
- More TM queries are navigational
 - not enough to fully explain differences in CPC, clicks/query
- Hard to estimate cost, somewhere between \$100m/yr to \$1B yr

TM Queries / All Queries	US	UK	DE	US (NonNav)
Traffic	0.21	0.17	0.13	0.17
Revenue	0.19	0.14	0.08	0.18
Ads/Query	<u>0.91</u>	0.83	0.67	0.95
Ads Clicks/Query	<u>1.42</u>	1.35	1.35	1.35
CPC	<u>0.65</u>	0.55	0.48	0.74
RPM	0.92	0.75	0.65	1.0



Proposal: Allow use of TM terms in creatives for resellers in fair use case

- Conservative additional revenue ~100m/yr
 - Based on narrowing the CPC gap by 10-20%
 - This will most likely bring in better advertisers, increase auction pressure, So, upside should be *much* more

- Issues:
 - Verifying fair use: use online version of quest backend
 - Avoiding counterfeiters/greymarket vendors:
 - Allow TM owners to search for ads containing TM
 - Allow them to flag particular businesses as selling counterfeit/greymarket goods (may be publicized)

Asks, Timeline, etc.

- Policy Ask:
 - Change the TM policy for US
- Engineering: ~2 engineers for ~2 months
 - Hooking up beaker and quest
 - Further work based on solution to counterfeit problem
- Ops training, sales outreach, etc.
 - need to start this soon
- Should be able to launch this in Q1

Google