7-3-2008

Vol. VI, Tab 38 - Ex. 39 - Email from Michael Wu

Michael Wu
Rosetta Stone

Follow this and additional works at: http://digitalcommons.law.scu.edu/appendix
Part of the Computer Law Commons, Intellectual Property Commons, and the Internet Law Commons

Automated Citation
http://digitalcommons.law.scu.edu/appendix/13

This Email is brought to you for free and open access by the Research Projects and Empirical Data at Santa Clara Law Digital Commons. It has been accepted for inclusion in Rosetta Stone v. Google (Joint Appendix) by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.
From: Wu, Michael [mwu@rosettastone.com]
Sent: Thursday, July 03, 2008 11:47:10 AM
To: May, Jeanne
Subject: RE: Legislative Coalition on Keyword Advertisements

______________________________
From: Wu, Michael
Sent: Tuesday, July 01, 2008 10:01 AM
To: dlwilliams@limitedbrands.com
Subject: Legislative Coalition on Keyword Advertisements

Doug,

Rosetta Stone is forming a coalition to launch a national campaign against trademark infringement by Internet search engines and their customers through the sale of trademarks as "keyword advertisements." Specifically, Internet search engines are selling trademarked terms to the competitors of trademark owners resulting in competitor advertisements appearing as sponsored links above and on the right hand column next to natural search results that are generated when consumers search for the products and services of trademark owners. We want to put an end to this practice as we believe keyword advertising is costing brand owners hundreds of millions of dollars annually as a result of diverted sales, increasing costs for trademark owners who are forced to purchase their own trademarks as keyword advertisements, causing companies to lose the hard-earned trust and goodwill of consumers, and increasing the costs of Internet enforcement efforts to protect consumers and brand owners from Internet fraud, viruses and spyware.

Verizon, GEICO, Intercontinental Hotels, Sporty's, Starwood Hotels, J2 Communications and Rosetta Stone have committed to the coalition. Ogilvy Government Relations, a premier government affairs firm, is now following up with their existing clients including AT&T, Hilton, Intuit, Blackstone, and Time Warner. In addition, a coalition of hotels - Marriott, Starwood, Hyatt and Intercontinental - has formed the Alliance Against Bait and Click (AABC) around the same issue and will be commencing a consumer education effort next month. I have attached for your reference a recent Wall Street Journal article, draft AABC materials, and an Ogilvy brochure.

Ogilvy has facilitated several discussions on this issue with Congressmen and their staff on the Subcommittee on Courts, the Internet, and Intellectual Property. Based on these discussions we believe that there is an excellent opportunity to engage Congress and commence legislative activity on redressing this problem. Specifically, we seek to commence legislative hearings and ultimately enact legislation to stop this infringement. We believe that the legislative efforts will be highly synergistic with the goals of AABC. Congressional hearings will assist AABC's efforts to focus the attention of the media and consumers on the "bait and click" practice, and act as a potential lever to push regulators and Internet search engines to resolve this problem.

I would appreciate it if you would let me know whether Limited Brands has any interest in these initiatives.

Best regards,

Michael C. Wu
General Counsel
Rosetta Stone
This e-mail and any attachments thereto are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you receive this e-mail in error please contact the sender by reply email and destroy all copies of the original message.