

Google and AOL shut down Park West Gallery Ads for Violation of Fine Art Registry® Trademarks

The ads were part of a cyberterrorism (or at least cyberyapping) campaign instigated by the beleaguered Michigan art gallery, conducted with the customary unscrupulous underhandedness and flagrant disregard for the law which seems to mark their operations, through their PR agency, Fleishman-Hillard.

A series of ads paid for by Park West Gallery, prepared and distributed by their PR agency Fleishman-Hillard and distributed online through Google and AOL, which flagrantly and intentionally violated Global Fine Art Registry, LLC trademarks and were clearly written to harm Fine Art Registry for Park West Gallery's own commercial advantage, were removed by Google and AOL at the request of Global Fine Art Registry

through its intellectual property attorney, Donald J. Lenkszus, PC.

The ads in question began to appear on Google and AOL around the beginning of February of this year. Park West paid for sponsored links which appeared at the top of the search results page when one searched for, for example, "Fine Art Registry" as a keyword.

Web [Images](#) [Maps](#) [News](#) [Shopping](#) [Gmail](#) [more](#) ▼

Google [Advanced Preference](#)

Web Results **1 - 10** of about **288,000** for **Fine Art Registry**.

<p>The Truth About FAR FineArtAdvocacy.ParkWestGallery.com Defamation. Tortuous Interference. Discover the Truth About FAR.</p> <p>Art Prints great sale www.fineart-store.net Find a variety of original Artworks Order now and get free shipping</p> <p>Fine Art Registry - The World's first Online Permanent Registry ... Fine Art Registry – The World's first Online Permanent Registry and Marketplace for Fine Art and Collectibles! www.fineartregistry.com/ - 53k - Cached - Similar pages</p> <p>Forum Featured Artists Artist Search Join Fine Art Registry Articles FAR Guide to Contemporary Artists About Us Hot Art News</p> <p>More results from fineartregistry.com »</p>	<p style="text-align: right;">Sponsored Links</p> <p style="text-align: right;">Sponsor</p> <p>Original Fine Rich Color Land: Skyscape Art. O www.raysflightf</p> <p>The Best Art An online portfolio the female nude www.Erotic-Fine</p>
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As you can see from the screenshot, the keyword entered in the Google search was "Fine Art Registry". Park West Gallery's paid ad at the top of the page makes illegal use of the trademarks FAR® and FineArtAdvocacy™ (a domain name owned by Global Fine Art Registry, LLC) in order to damage Fine Art Registry and for Park West's own commercial advantage. The link, under the guise of taking one to "The Truth About FAR" in fact takes one to a web page which advertises Park West and its services, bleats piteously about the horrible lies Fine Art Registry has published about the gallery's fraudulent and deceptive trade practices (as told to Fine Art Registry by Park West's own customers and confirmed by international art experts), introduces its new hot-shot lawyer, an ex-US attorney who claims to be an expert in art theft (we weren't aware that Park West had been involved in or accused of art theft but apparently they need an art

theft attorney to defend them), and slandering Fine Art Registry. The page contains links to Park West Gallery web pages and includes an email link to Fleishman-Hillard, the PR agency which masterminded, or at least executed these illegal activities. The page is headed by a mugshot of the walrus-mustachioed Goldman (Scaglione's new lawyer) apparently trying to look intense and inspire confidence, and a stock photo of a gavel and a set of scales with a pile of gold in one of the trays. The pile of gold is no doubt a Freudian slip, accidentally symbolizing Park West's *raison d'être*. While no doubt intending to depict the scales of justice and to symbolize the administration of the law, in fact it is an apt depiction of the use of the law to further ones own greedy self-enrichment. Or perhaps indeed the pile of gold in the image is a symbol of the name of Park West's new and improved legal wizard, Robert Goldman.

PARK WEST

Contact Us

For more information e-mail
parkwestinfo@fleishman.com

Park West Links

[Park West Website](#)

[Park West Blog](#)

[Customer Service Blog](#)

[Park West Foundation](#)

[Tour Park West](#)

[40-40-40 Satisfaction Guarantee](#)

[Learn About Park West Artists](#)

Featured Video



[Introducing Robert Goldman](#)

Media Coverage

[Gallery fights claims of selling fake artwork](#)
Detroit News 1/28/09

[Park West Gallery Owner Albert](#)



Park West Gallery, Defending Itself Against Defamation, Files Counterclaim In Michigan Against Fine Art Registry and Surrogates

Former Assistant U.S. Attorney and FBI Art Team Legal Advisor Robert E. Goldman Joins Park West's Legal Team

SOUTHFIELD, MICH, Jan. 28 – **Park West Gallery**, one of the world's largest art dealers, is defending itself forcefully against a campaign of defamation and business interference waged by the website Fine Art Registry (FAR). Responding to a lawsuit filed earlier this year in Oakland County Circuit Court by Park West customers recruited by FAR, the 40-year-old Southfield-based gallery has filed a counterclaim charging defamation, tortious interference and civil conspiracy. In addition, **Robert E. Goldman**, one of the most respected art legal experts in the world, has joined Park West's legal team.

PARK WEST SEEKS INJUNCTION AND DAMAGES

Links

[Robert Goldman Bio \(PDF\)](#)

[Counterclaim \(PDF\)](#)

[Wall Street Journal Law Blog](#)

[The Bounty Hunter \(PDF\)](#)

[History's Policeman \(PDF\)](#)

However that may be, this article is not intended to digress into the brilliant art direction of the renowned PR company and its choice of images to represent its client. Our subject here is the wanton rape and pillage of the trademarks of one company, Global Fine Art Registry, LLC, by another company, Park West Gallery. (It should be noted that Fleishman-Hillard's attorneys admitted orally and in writing that they were responsible for preparing and posting the offending ads through Google and AOL and for following Park West Gallery's instructions to violate Global Fine Art Registry,

LLC registered trademarks.)

Park West have vehemently protested the appellation of "pirates" since our early articles about them, but they continue to demonstrate just how accurately this label fits them and their activities, in this case, trademark piracy.

There were other web pages which these trademark-infringing paid "Adwords" links led to. AOL carried similar paid ads.

This story of thwarted cyber piracy on the part of Park West Gallery is best told by Don Lenkszus himself.

Cyber thievery thwarted for the second time

My client Global Fine Art Registry, LLC, doing business as FINE ART REGISTRY, an art world pioneer, has been the subject of what, in my opinion, is attempted cyber thievery for a second time by Park West Gallery – the sponsor of dubious cruise ship auctions.

The first attempt by Park West in 2008 was registration of a domain name "aboutfineartregistry.com" which was a clear attempt to harm my client's name, good will and business by directing those seeking to find the FINE ART REGISTRY web site at fineartregistry.com to the bogus site which in addition to disparaging FINE ART REGISTRY, provided links to Park West Gallery. [A full report of the WIPO arbitration can be read here [Fine Art Registry® wins arbitration over Park West's Trademark Infringement](#)]

Rather than allow Park West to continue this cyber thievery, I initiated a complaint at the World Intellectual Property Organization (WIPO). WIPO comes into play because every time a domain name is registered, the registrant must agree to abide by the rules that WIPO has established. Within two months of filing the well-documented complaint with WIPO, WIPO ordered the domain name transferred to Global Fine Art Registry, ending this chapter.

In January of this year, Park West Gallery decided to launch another act of cyber thievery utilizing the Google and AOL search engines.

Both Google and AOL sell ad placements in which the subscriber identifies key words or key word sequences called "Adsense" to place ads called "sponsored links" at the top or side of each page of search results.

Park West Gallery utilized Global Fine Art Registry, LLC's registered trademarks FINE ART REGISTRY and FAR to place sponsored ads at the top of and to the side of the search results for "fine art registry" in what was clearly another attempt to misdirect people to the Park West Gallery web site and harm the good will and business of Global Fine Art Registry in clear violation of the U.S. trademark laws. I sent cease and desist letters to Google, AOL Time Warner, Park West and its advertising agency.

As a result, Google and AOL have removed all of the Park West Gallery ads. Again the cyber terrorism of Park West Gallery has been stopped.

From my experience any business that engages in deliberate illegal activities such as cyber thievery is not to be trusted in any business dealing.

Donald J Lenkszus

Donald J Lenkszus, PC

an Intellectual Property Law Firm

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An example of the letters that Don Lenkszus sent to Park West Gallery's attorneys, to Fleishman-Hillard, Google and AOL follows. Links to the remainder can be found at the end of this article.

Donald J. Lenkszus, P.C.

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Re: Park West Gallery

Dear Mr. Quadrozzi:

I represent Global Fine Art Registry, LLC in intellectual property matters.

Global Fine Art Registry, LLC owns the following United States Federally Registered service marks:

Reg. No. 3,445,181 for the Word Mark **FINE ART REGISTRY**
Reg. No. 2,826,552 for the Word Mark **FAR**

Global Fine Art Registry, LLC also owns the United States common law service mark:
FINE ART ADVOCACY

based upon its continuous use.

The foregoing are referred to as Global Fine Art Registry, LLC marks. Copies of the registrations are attached.

Global Fine Art Registry, LLC also owns the domains:

FINEARTREGISTRY.COM

and

FINEARTADVOCACY.COM.

Park West Gallery previously engaged in unlawful activity in violation of the Uniform Domain Name Resolution Policy (UDRP) and in violation of the Anti-Cybersquatting Piracy Act (ACPA), Lanham Act S. 43(d), 15 U.S.C.S. 1125(d).

The World Intellectual Property Organization Arbitration and Mediation Center in Case D2008-1203 transferred to Global Fine Art Registry, LLC the domain "aboutfineartregistry.com" that Park West Gallery obtained and utilized in bad faith. In the words of the WIPO Panel:

From the record in this proceeding, however, it appears more likely than not that the Domain Name was registered and used in a bad-faith attempt to divert Internet users interested in the Complainant to a website that criticized the Complainant and promoted Park West Gallery, consistent with paragraphs 4(b)(iii) and (iv) of the Policy.

Donald J. Lenkszus, P.C.

Park West Gallery, apparently not content that its first attempt at cyber-terrorism was stopped, has embarked on another cyber-terrorist activity by again engaging in a continuous illegal assault on the Global Fine Art Registry, LLC marks and associated good will.

Without authorization or approval from Global Fine Art Registry, LLC, Park West Gallery has "purchased" the "right" to use the trademarks and service marks of Global Fine Art Registry, LLC from various search engines including at least Google and AOL as "keyword" triggers that cause Park West Gallery paid advertisements, which Google and AOL call "Sponsored Links" to appear above, below and/or alongside the "natural results," i.e., web listings, the placement of which is not influenced by payments from third parties.

In addition, the "Sponsored Links" include a sub domain that is calculated to further infringe upon the common law mark **FINE ART ADVOCACY** and to misdirect consumers from Global Fine Art Registry, LLC's domain **FINEARTADVOCACY.COM**.

When consumers enter one of the Global Fine Art Registry, LLC marks into Google's or AOL's search engine to search or navigate the World Wide Web, instead of being directed to Global Fine Art Registry's website, Google's and AOL's "Sponsored Links" captioned with Global Fine Art Registry, LLC's marks misdirect them to Park West Gallery's website. The Park West Gallery website is (1) a blatant attempt to damage the valuable good will associated with Global Fine Art Registry LLC's marks; and (2) redirects them to Park West Gallery's web site for commercial purposes.

In a particularly egregious unauthorized misuse of Global Fine Art Registry LLC's service mark "FINE ART REGISTRY", the Park West Gallery "Sponsored Links" are captioned with "FINE ART REGISTRY" and clicking on "FINE ART REGISTRY" link misdirects the consumer to the PARK WEST GALLERY web site.

Park West Gallery misleads consumers and misappropriates Global Fine Art Registry, LLC's marks by using them as "keywords" for paid advertisements and by using them in the title of the paid advertisements.

Park West's use of Global Fine Art Registry, LLC's marks within titles and text that Google posts as part of Park West Gallery's "Sponsored Links" further misleadingly communicates to consumers that such links are endorsed or sponsored by Global Fine Art Registry, LLC or that such websites are official Global Fine Art Registry websites.

Park West's unauthorized use in commerce of Global Fine Art Registry, LLC's marks are an unauthorized and illegal exploitation of the value and name recognition associated with the Global Fine Art Registry, LLC marks.

The titles and texts of these "Sponsored Links" include the exact word marks of Global Fine Art Registry, LLC. The unauthorized misappropriation of Global Fine Art Registry, LLC marks by Park West Gallery is a clear willful and intentional violation of Sections 32(1) and 43(a) of Lanham Act that is calculated to harm Global Fine Art Registry, LLC.

Donald J. Lenkszus, P.C.

Park West Gallery's use of the Global Fine Art Registry, LLC marks in the title or text of the "Sponsored Link" advertisements conveys the misleading commercial impression to the public that the "Sponsored Links" are approved, endorsed or sponsored by Global Fine Art Registry, LLC or are otherwise affiliated or supported by Global Fine Art Registry, LLC. Each of these misleading uses of the Global Fine Art Registry, LLC marks constitutes a false designation of origin and false description and representation, in violation of Section 43(a) of the Lanham Act.

Park West Gallery's false representations are willful and clearly reflect Park West Gallery's intent to exploit the goodwill and strong brand recognition associated with the Global Fine Art Registry, LLC marks.

Park West's use of Global Fine Art Registry, LLC's marks is an intentional trafficking in the infringement and dilution of Global Fine Art Registry, LLC marks. These practices cause consumer confusion, erode the distinctiveness of the Global Fine Art Registry, LLC marks, and cause Global Fine Art Registry, LLC to lose, in part, control over the commercial use of its marks.

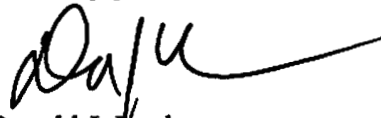
Global Fine Art Registry, LLC demands that Park West Gallery immediately cease and desist from all use of the service marks FINE ART REGISTRY, FAR and FINE ART ADVOCACY.

Global Fine Art Registry demands that Park West Gallery immediately cease and desist from using the Global Fine Art Registry, LLC marks to link to Park West Gallery or third party websites.

Global Fine Art Registry, LLC demands that Park West Gallery cease and desist all linking to the sub domain/domain "fineartadvocacy.parkwestgallery.com"

Your immediate confirmation that Park West Gallery complies with the foregoing is also demanded. The continued failure to do so causes increasing harm to Global Fine Art Registry, LLC.

Sincerely yours,



Donald J. Lenkszus

Attorney for Global Fine Registry, LLC

cc T. Franks

Similar letters, setting forth the illegality of the Fleishman-Hillard/Park West Gallery trademark piracy, were sent to Google, AOL and Fleishman-Hillard.

After some back and forth, Maggie of the Google Advertising Legal Support Team confirmed that Google had removed the offending ads. Her email of March 5th 2009 to Don Lenkszus is quoted in part here:

Your complaint has been processed, and the ads for FineArtAdvocacy.ParkWestGallery.com are no longer using your trademark FAR in the ad text.

The offending and offensive ads no longer show up when you search for "Fine Art Registry" on Google or AOL.

And Ruth E. Kim, General Counsel, Sr. Vice President and Sr. Partner of Fleishman-Hillard Inc., confirmed that her company was responsible for the Google ads and that the trademark violations would cease:

(ii) as to the Google sponsored key word searches placed for Park West Gallery, we have removed the following terms "Fine Arts Registry" "Fine Arts Advocacy" and "FAR."

They have ceased. People can now search for Fine Art Registry without being maliciously redirected to Park West Gallery's website and falsehoods through devious and subversive trademark infringement.

It is worth noting that at the same time that these ads were being paid for and placed by Park West Gallery, according to individuals who were present, the owner of the gallery, Albert Scaglione was delivering a messianic sermon to the latest flock of Park West disciples (read auctioneers in training) that God had told him that what he was doing was right and that He (God) would forgive Fine Art Registry for the smear campaign they were running against Park West! And all the while, Scaglione was paying Fleishman-Hillard to commit one of the most flagrant and illegal trademark violations in the history of Google Adwords.

One wonders at the depth of depravity that one can sink to in the lust for gold.

Attorney letters sent with regard to this matter to Park West Gallery, Fleishman-Hillard, Google, and AOL:

[Letter sent to Park West Gallery](#)

[Letter sent to Fleishman-Hillard](#)

[Letter sent to Google](#)

[Second demand letter sent to Google](#)

[Letter sent to AOL](#)



Meet Donald J. Lenkszus, Intellectual Property Counsel for Fine Art Registry

Donald J. Lenkszus is a business-oriented Intellectual Property counsel who has been an attorney since 1975. He has been in-house counsel to Honeywell, ITT Corp and GTE. Don has been in private practice since 1993. In January 2000, Don started his own law firm and serves a select number of clients. His practice is limited to patent, trademark, copyright, trade secret, Internet, and other intellectual property matters. His clients range from Global Fine Art Registry, LLC to a magazine publisher, a medical device company, consumer product companies, and high technology companies. Don has a reputation for aggressive defense of his clients where their intellectual property rights are endangered.

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