

# Donald J. Lenkszus, P.C.

REGISTERED PATENT ATTORNEY

P.O. BOX 3064

CAREFREE, AZ 85377-3064

FEBRUARY 17, 2009

TEL: 602-463-2010

FAX: 480-595-7695

don@azpatent.com

Google, Inc.  
Attn: Google Legal Support, AdSense DMCA Complaints  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

EH636443072US

Re: [#395313991] Google AdWords Trademark Complaint

On February 10, 2009 I emailed to Google a response to Google's email response to Theresa Franks, of Global Fine Art Registry, LLC. The Google response was to Mrs. Franks letter that is attached hereto.

I requested that Google confirm receipt of my February 10, email. As of today no confirmation has been received from Google.

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.**

Google maintains, and many consumers believe that search results that Google provides are the product of an objective formula or algorithm that produces "natural" results, i.e., web listings the placement of which is not influenced by payments to Google from website owners. Google also provides this same search feature on AOL.COM.

Without authorization or approval from Global Fine Art Registry, LLC, Google has sold to Park West Gallery the "right" to use the trademarks and service marks of Global Fine Art Registry, LLC as "keyword" triggers that cause Park West Gallery paid advertisements, which Google

## **Donald J. Lenkszus, P.C.**

calls "Sponsored Links" to appear above or alongside the "natural results" when searches are run at least at both Google.com and at AOL.com.

The titles and texts of these "Sponsored Links" include the exact word marks of Global Fine Art Registry, LLC. 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 search engine at either Google.com or AOL.com to search or navigate the World Wide Web, instead of being directed to Global Fine Art Registry's website, Google's "Sponsored Links" captioned with Global Fine Art Registry, LLC's service 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 what can only be considered a particularly egregious unauthorized misuse of Global Fine Art Registry LLC's service mark "FINE ART REGISTRY", the Park West Gallery "Sponsored Link" it captioned with "FINE ART REGISTRY" and clicking on "FINE ART REGISTRY" link misdirects the consumer to the PARK WEST GALLERY web site.

Google is helping Park West Gallery to mislead consumers and misappropriate 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.

Google'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.

Google's unauthorized use in commerce of Global Fine Art Registry, LLC's marks generates profits for Google and its advertisers that are directly attributable to the unauthorized exploitation of the value and name recognition associated with the Global Fine Art Registry, LLC marks.

Google'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 Google immediately cease and desist from all use of the service marks **FINE ART REGISTRY** and **FAR** except in direct reference to Global Fine Art Registry, LLC 's web sites and services.

**Donald J. Lenkszus, P.C.**

Global Fine Art Registry demands that Google immediately cease and desist from its unauthorized use in commerce of Global Fine Art Registry, LLC's marks.

Global Fine Art Registry demands that Google immediately cease and desist from allowing Park West Gallery or any other third party from using the marks of Global Fine Art Registry from linking to Park West Gallery or third party websites.

Global Fine Art Registry, LLC demands that Google cease and desist any linking to the sub domain/domain "fineartadvocacy.parkwestgallery.com

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

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Donald J. Lenkszus', followed by a long horizontal line extending to the right.

Donald J. Lenkszus

Attorney for Global Fine Registry, LLC

cc T. Franks

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**United States Patent and Trademark Office**

**Reg. No. 3,445,181**

**Registered June 10, 2008**

**SERVICE MARK  
PRINCIPAL REGISTER**

**FINE ART REGISTRY**

GLOBAL FINE ART REGISTRY, LLC (ARIZONA  
LTD LIAB CO)  
4146 WEST BANFF LANE  
PHOENIX, AZ 85053

FOR: REGISTRATION SERVICES, NAMELY, REGISTRATION AND UPDATING OF ELECTRONIC DATABASES FOR WORKS OF ART AND COLLECTIBLES, INCLUDING UNIQUE IDENTIFICATION CODES FOR WORKS OF ART AND COLLECTIBLES, ART WORK AND COLLECTIBLE IDENTIFICATION INFORMATION, OWNER IDENTIFICATION INFORMATION, REGISTRATION OF OWNERSHIP OF WORKS OF ART AND COLLECTIBLES, AND REGISTRATION OF STOLEN OR DESTROYED WORKS OF ART AND COLLECTIBLES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-31-2003; IN COMMERCE 5-31-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,882,992.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE REGISTRY, APART FROM THE MARK AS SHOWN.

SEC. 2(F).

SER. NO. 78-769,491, FILED 12-8-2005.

PAUL E. FAHRENKOPF, EXAMINING ATTORNEY

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101, and 102**

**United States Patent and Trademark Office**

**Reg. No. 2,826,552**

**Registered Mar. 23, 2004**

**SERVICE MARK  
PRINCIPAL REGISTER**

**FAR**

**GLOBAL FINE ART REGISTRY, LLC (ARIZONA  
LIMITED LIABILITY COMPANY)  
4146 WEST BANFF LANE  
PHOENIX, AZ 85053**

**FOR: REGISTRATION SERVICES, NAMELY, RE-  
GISTRATION AND UPDATING OF ELECTRONIC  
DATABASES FOR WORKS OF ART, INCLUDING  
UNIQUE IDENTIFICATION CODES FOR WORKS  
OF ART, ART WORK IDENTIFICATION INFOR-  
MATION, OWNER IDENTIFICATION INFORMA-**

**TION, REGISTRATION OF OWNERSHIP OF  
WORKS OF ART, AND REGISTRATION OF STO-  
LEN OR DESTROYED WORKS OF ART, IN CLASS  
35 (U.S. CLS. 100, 101 AND 102).**

**FIRST USE 5-31-2003; IN COMMERCE 5-31-2003.**

**SN 78-175,415, FILED 10-17-2002.**

**JOHN E. MICHOS, EXAMINING ATTORNEY**



3434 West Greenway Road, #200  
Phoenix, AZ 85053  
888-595-2787  
[admin@fineartregistry.com](mailto:admin@fineartregistry.com)

February 2, 2009

Google, Inc.  
Attn: Google Legal Support, AdSense DMCA Complaints  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

To Whom It May Concern:

Please be advised that our trademarks, Fine Art Registry® and FAR® are being infringed by Park West Gallery, Inc. or Park West Galleries, Inc. in its use of several Google Ads that were placed on Friday, January 30, 2009.

They have no authority whatsoever to use our U.S. Federally Registered trademarks in Park West Gallery advertising.

We demand that our registered trademarks be IMMEDIATELY removed from the ads as they are infringing our trademarks, and were intentionally placed to direct traffic away from [www.FineArtRegistry.com](http://www.FineArtRegistry.com).

The URL that the Google Ads lead to:  
<http://fineartadvocacy.parkwestgallery.com/>

The offending rotating ads are and there may be more that we have not identified yet:

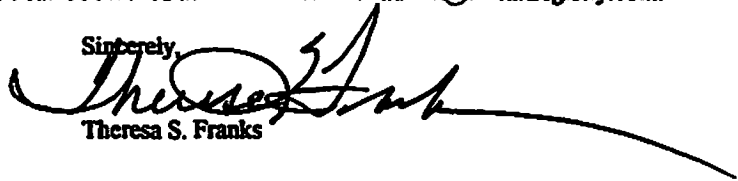
- Fine Art Registry  
[FineArtAdvocacy.ParkWestGallery.com](http://FineArtAdvocacy.ParkWestGallery.com) Park West is Defending Itself From Baseless Accusations. Visit Today.
- The Truth About FAR  
[FineArtAdvocacy.ParkWestGallery.com](http://FineArtAdvocacy.ParkWestGallery.com) Defamation. Tortuous Interference. Discover the Truth About FAR.
- Fine Art Registry Lawsuit  
[FineArtAdvocacy.ParkWestGallery.com](http://FineArtAdvocacy.ParkWestGallery.com) Park West Gallery files countersuit against FAR, secures legal team.
- Fine Art Registry Lawsuit  
Park West Gallery files countersuit against FAR, secures legal team.  
[FineArtAdvocacy.ParkWestGallery.com](http://FineArtAdvocacy.ParkWestGallery.com)

I have a good faith belief that use of these trademarks in Google advertising as described above is not authorized by the trademark owner, its agent, or the law.

I swear, under penalty of perjury, that the information in the notification is accurate and that I am the owner of the trademarks, Fine Art Registry® and FAR®. We are also the owners of the web domain [www.FineArtAdvocacy.com](http://www.FineArtAdvocacy.com) which Park West Gallery is advertising under a sub domain. This is also infringement as Fine Art Registry owns this domain.

Please let me know if you have any questions. I can be reached at 888-595-2787 or [admin@fineartregistry.com](mailto:admin@fineartregistry.com).

Sincerely,



Theresa S. Franks

cc: Donald Lenkszus, Esq.  
Jonathan Schwartz, Esq.

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**The Truth About FAR**

FineArtAdvocacy.ParkWestGallery.com  
Discover the Truth About FAR.

Sponsored Links

Defamation. Tortuous Interference.

Sponsored Links

**Original Fine Art**

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free shipping

**The Best Art Nudes Online**

An online portfolio presentation of  
the female nude as high art.  
www.Erotic-Fine-Art.com

**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!

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**History of the Fine Art Registry. About FAR. Testimonials. Press ...**

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**National Fine Arts Title Registry**

Register your art in a secure national database for insurance and authenticity purposes.

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**FAR Art :: Index**

Is there a company, dealer, gallery, publisher, appraiser, insurer, or other individual or entity  
that you want to warn Fine Art Registry members and ...

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**Gary Arseneau: THE REAL THING?. Artletic & Fine Art Registry's AVARICE**

August 26, 2008 (Updated on August 30, 2008 with email correspondence, -below  
monograph-, to and from Fine Art Registry's Theresa Franks) ...

garyarseneau.blogspot.com/2008/08/real-thing-artletic-fine-art-registry.html - 40k -  
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**Fine Art Registry - High Tech Protection And Provenance « Raw art ...**

Mar 13, 2008 ... Fine Art Registry (FAR) appears to be a high tech solution to some age  
old problems that have existed in the art world since the days of ...

rawartint.wordpress.com/2008/03/13/fine-art-registry-high-tech-protection- and-provenance/  
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**New Documentary from Fine Art Registry Exposes Half Million Dollar ...**

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Sponsored Links

**Fine Art Registry Lawsuit**  
Park West Gallery files countersuit against FAR, secures legal team.  
FineArtAdvocacy.ParkWestGallery.com

**History of the Fine Art Registry. About FAR. Testimonials. Press ...**

Fine Art Registry® and FAR® are registered trademarks of Global Fine Art ... The Fine Art Registry system provides each registered art or collectible object ...  
www.fineartregistry.com/about\_FAR/ - 25k - [Cached](#) - [Similar pages](#)

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Register your art in a secure national database for insurance and authenticity purposes.  
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**Art Purchases Lead to Lawsuits Following Cruise Ship Auctions ...**

Jul 16, 2008 ... But over the last two decades, auctioning "fine art" on cruises, often to first-time bidders who have never met a reserve or inspected a ...  
www.nytimes.com/2008/07/16/arts/design/16cru.html - [Similar pages](#)

**Fine Art Registry the Fine Art Advocacy**

As a result of many Fine Art Registry® members coming to us for answers on the ... Fine Art Registry®, FAR® and the Fine Art Registry Logo are registered ...  
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# PARK WEST

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For more information e-mail  
[parkwestinfo@fleishman.com](mailto:parkwestinfo@fleishman.com)

## Park West Links

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[Customer Service Blog](#)

[Park West Foundation](#)

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## Featured Video



[Introducing Robert Goldman](#)

## Media Coverage

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

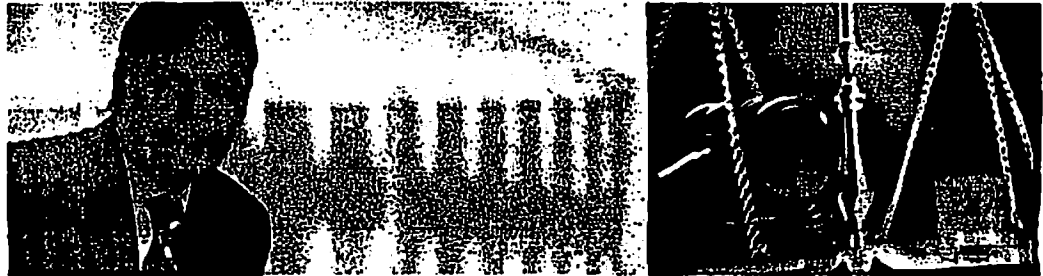
[Park West Gallery Owner Albert Scaglione and his Attorney Robert Goldman](#)  
 News/Talk 760 WJR 1/28/09

## Stay in Touch

Full Name \_\_\_\_\_

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- Sign up for Artist Updates
- Sign up for Gallery News
- Join our Mailing List



## 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

Park West Gallery's counterclaim names five plaintiffs from the earlier suit along with a third-party complaint against FAR, its founder Theresa Franks, and Frank Hunter, operator of another art website. Park West Gallery is charging the parties with

- Publishing numerous false and defamatory statements about Park West
- Attempting to destroy Park West's goodwill and reputation by use of false and defamatory statements
- Interfering with existing contractual relationships between Park West and its customers, and
- Interfering with Park West's prospective business opportunities.

Park West is seeking a permanent injunction against these individuals and FAR along with actual and punitive damages.

### INTERNATIONAL ART LAW EXPERT JOINS PARK WEST DEFENSE

Park West Gallery also announced that art legal expert Robert Goldman has joined its legal defense team, assisting the Southfield-based law firm Young & Sussar. "I am proud to represent Park West Gallery in this important legal battle, the outcome of which will be important to the entire art industry," said Goldman. "If reckless individuals and organizations are permitted to falsely attack the hard-earned reputations of legitimate art dealers without consequence, the art market, including artists, auction houses, museums, dealers and collectors, will suffer irreparable harm. I look forward to highlighting the truth and fighting this wrong in the courts."

Goldman served as an Assistant U.S. Attorney for 19 years, during which time he focused on matters involving international art theft and museum theft. He was also Special Trial Attorney, appointed by the U.S. Department of Justice to counsel and assist the newly created FBI National Art Crime Team, which battles international art theft, antiquities smuggling, and fraud in the art collecting industry. With the FBI, Goldman was involved in the recovery of more than \$150 million of stolen art and cultural property.

"In the fall of 2008, Albert Scaglione invited me in to examine the company's people, policies, operations and collection," said Goldman. "There were no boundaries or barriers to my study,

## Links

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

[Counterclaim \(PDF\)](#)

[Wall Street Journal Law Blog](#)

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

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