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Toying with Domain Names

by Steve Kettmann

BERLIN -- The corporation-mocking Internet artists behind Swiss-based etoy can feel the groundswell of support welling up behind them in their dramatic court battle with the Rock & Roll Elmo-pushers at etoys.com.

It's a fight that should have Net-conscious people at least as fired up as the mobs in Seattle were last week, since it could define the rules of engagement between corporations and creative types for years to come. The central question: Can a US court presume to regulate the wide-open international landscape of Internet art?

"It's insane," said an etoy agent calling himself Zai, from the group's headquarters in Zurich. "It's all about money, and they are just looking for a way to hurt us. They can do that in Los Angeles. I'm not sure they could do that in San Francisco.... We definitely told them that we won't sell the etoy domain to them at this point. We need it for our work, and we built it."

As it stands, a Los Angeles Superior Court judge has issued a temporary injunction against the puckish provocateurs of etoy, denying them the use of the www.etoys.com domain. This, despite the fact they were using it years before the corporate types at www.etoys.com ever whipped up an US\$8 billion business out of thin air.

Etoys.com, of course, casts the issue primarily as one of would-be customers being confused and ending up cruising around the [etoys.com](http://www.etoys.com) site when they could be at [etoys.com](http://www.etoys.com) instead, adding K'NEX robots or Donkey Kong 2.3 billion to their "shopping carts."

"This is in no way, shape, or form an attempt on our part to say what is and what is not art," said Ken Ross, etoys' vice president of communications. "We absolutely respect their freedom and their points of view."

"There was profanity, there were sadomasochistic images, there were images of terrorist activity. That's upsetting to many people. That's not a comment on whether it has artistic merit. It's about our responsibility to our customers, and our responsibility to address what was beginning to be confusion in the marketplace. Obviously, we also

took into account that one of the stated intents of etoy is to disrupt business."

Etoy pleads guilty to using bad judgment in letting one of its members post a reference to a "fucking flash plugin." That unfortunate phrase led to a complaint that helped trigger the lawsuit. Etoy also freely admits to courting controversy, which it says it uses to raise awareness of issues, like how the big search engines really work by "hijacking" hundreds of thousands of people.

But it dismisses talk of sadomasochistic images, and a perusal of the site last summer, before the legal wrangling began, revealed nothing even remotely titillating.

The legal strong-arming, to be continued later this month in the same Southern California courtroom, represents a major step along the road toward the out-and-out commercialization of the Internet.

"I think this is something the Net art community should really take a stand against," Baker said. "If corporations can go around behaving in that way, who is to say they can't strike again? Anybody who sets up a domain name is vulnerable to commercial organizations that don't want them to have that name."

Baker's www.irational.org, a sort of Internet art collective, has lined up with others behind etoy. More than 1,500 emails urging etoy to fight on have arrived since the injunction was handed down two weeks ago, according to Zai.

"This is just the beginning of a huge, huge thing," he said. "We are already striking back. We are building a huge community."

If the decision makers at etoys.com thought they were dealing with a few pimply-faced teens noodling around in the attic on Dad's PC, they were mistaken. In fact, the etoy project is popular in the Internet art world, and the people behind the effort are smart, funny, and deadly serious about what they do.

This year at Ars Electronica -- the Academy Awards of the Internet arts -- the etoy "agents" made another big splash. They did not win the festival's grand prize, the Golden Nica, as they did in 1996, but they still stole the show.

Actually, what they swiped was the Golden Nica itself. They subjected it to "plastinization" -- successfully mocking the strangest aspect of the festival, the plastinated corpses of Gunther von Hagens -- before returning it.

Earlier, they made a mockery of the money worship you see in so many new Internet corporations. Dressed in Blues Brothers suits, they discussed in minute detail all the money etoy was making. They elaborated on selling shares in the company, which they lampooned with the deadpan delivery of a gifted comic. They even presented a big check

-- a real one, as a matter of fact -- to another group of Net artists to show how community-minded they are.

"They're very prominent," said Baker, who was also at Ars Electronica this year. "They have a big presence as far as Net art goes. They're mixing business and art on the Net and taking on board techniques and language from the business world, high capital, and reproducing it in interesting ways online. I think the best way to describe them is as a brand, and you can buy into it."

Etoy responded to the injunction by shutting down the domain name and reinventing itself, at least for the time being, as www.toywar.com. The 130 or so shareholders in etoy, who paid actual money for a total of 640,000 shares currently valued at around \$3 million, may in the end be the ones who decide the issue. But for now, they all seem to be enjoying the fight and show no signs yet of accepting a settlement potentially worth hundreds of thousands of dollars.

"It's important that people feel involved and see they can also fight against corporations," said Zai. "We always said we would talk about a settlement but that it would have to be OK for us, for our shareholders, and also for the community that is involved."

"We offered to place a banner -- of course they would have to pay, because it would interfere with our aesthetics. If the etoy shareholders ever decide to sell, they earn the money. It will be paid back to the etoy shareholders. It's the same thing etoys does: They use their shareholders' money to sue us, and we use our shareholders' money to defend ourselves."

The etoy crew has not decided whether to travel from Switzerland to the Los Angeles courthouse where the legal battle will be waged. Since Kubli, for one, is trained as an attorney, a trip to California could prove fruitful. If nothing else, it would give the etoy agents a chance to clear their name.

"Fifty years ago, you never saw such companies growing in two years from nothing to the biggest corporations in the world," said Zai. "Etoys is really the perfect example for this kind of corporation. We don't say they are bad. That's not our way to work with these topics. We just say it's an important thing going on."

"For us, Net art is about processes and communications and about these new platforms and their impact on society, and also about new forms of entertainment. We think that the lines between art, science, and corporations -- all that -- are blurring."

Etoy loves multiple layers of irony, and the court battle offers them a chance to indulge in plenty of it. If the group wants nothing more than to publicize itself and its cutting-edge take on things, then it is probably grateful for the international attention that the big, bad corporate giant has generated with its lawsuit. But sometimes things life are more complicated than slogans. Even good ones.

"One-and-a-half months ago, when we found out this could happen, we had to prepare also on an emotional level," said Zai. "We said 'Let's decide if we want to fight this fight. If we do, it's incredibly expensive and always exhausting and not too good for the nerves.'

"We decided we would do it if we could make it into an art project. As an art project, you have a totally different approach. You can see this as an interesting thing for the community. We can point and highlight a lot of different interesting things, not just to blame them."