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EToys, Etoy Stop Name-Calling

By Jennifer Couzin

Ending an acrimonious domain name dispute, online retailer eToys has agreed to reimburse the Switzerland-based art site Etoy up to \$40,000 in legal fees, racked up after the toy store sought to block Etoy's domain name.

The settlement also includes an agreement from both organizations to drop lawsuits filed against each other.

EToys, deluged with furious e-mails in the five months since it filed a trademark lawsuit, was tight-lipped. "We are pleased with the outcome," said Jonathan Cutler, an eToys spokesman. Cutler declined to comment further, or say whether the retailer would notify its customers of the decision.

EToys initially said it was prompted to act after complaints from customers who stumbled onto the art site and took offense at some of the material displayed, which included nude artwork and graphic language.

But the dispute quickly took on a life of its own, prompting a virtual sit-in, press conferences at a Los Angeles courthouse and the New York Museum of Modern Art, and more than 20 Web sites devoted to the issue. All were overwhelmingly supportive of the Zurich artists who had displayed their work on the site since 1995, a year before eToys set up shop. Because eToys had purchased the right to the trademark from a company that owned the name since 1990, a Los Angeles judge granted the company an injunction in November to stop the artists from using the Etoy site.

With the last chapter in a lengthy battle now over, Etoy was quick to celebrate what it considered a victory for free speech and artists. In a statement sent by e-mail, EToy representatives proclaimed that "the Net is not yet in the hands of e-commerce giants," calling the name battle with eToys "a kick."

Correction:

A previous version of this story incorrectly said eToys owned the name since 1990; they actually purchased the right to the trademark from a company that owned it since 1990.