

Re: www.infomercialscams.com and INSTYLER®

Dear WebMaster:

I represent the company that has developed a product sold under the trademark, INSTYLER®. A website, www.infomercialscams.com (“the Site”), uses Google® AdSense™ advertising services to post ads opposite reviews of products advertised on infomercials. My client’s trademark is being mis-used and its product being unfairly singled out and maligned by the owners of www.infomercialscams.com (“the Site”), apparently to improve its PageRank, all in violation of your Policy which prohibits publishing:

- “• Deceptive or manipulative content ... to improve [its] search engine ranking, e.g., ... PageRank...
- Any other content that is illegal, promotes illegal activity, or infringes on the legal rights of others”

SUMMARY:

1. My client’s trademark is treated differently from other product’s trademarks, namely it is always listed both without an initial capital and it is always associated with the word “complaint;”
2. My client’s product reviews are presented differently from other product’s reviews, namely they are presented under Page Titles labeled as INSTYLER COMPLAINTS regardless of whether they default to defenses or to complaints;
3. My client’s product reviews are republished five times while other products reviews are published once, which multiple republishing is an attempt by the Site to trade on my client’s trademark to improve the Site’s PageRank™ standing; and
4. These differences in treatment reflect editing, bias, and intentional skewing which violate Google® AdSense™ policy and raise issues of trade libel, in addition to comprising false advertising in light of the Site’s advertised policy of providing “uncensored infomercial complaints.”

DETAILS:

1. My client’s trademark is treated differently from other product’s trademarks, namely it is always listed both without an initial capital and it is always associated with the word “complaint;”

From the home page of the Site, follow the link ALL PRODUCTS REVIEWS to the letter “I” for my client’s trademark, INSTYLER®. The mark is not listed as a trademark, namely it is not listed as “InStyler” or even as “Instyler.” Instead, the Site has posted the link “instyler complaints.” Examination of the list of PRODUCT REVIEWS above and below “instyler complaints” reveals that other’s TRADEMARKS are used without tying those marks to the word “complaints.”

The Site has singled out my client’s mark, United States Reg. No. 3,496,525, INSTYLER®, and associated it with the pejorative, “complaints” unfairly, as compared to its treatment of others’ marks and products. This unfair treatment creates a negative impression of my client’s product from a review of a list of trademarks. In this context, this Site is committing trade libel.

2. My client’s product reviews are presented differently from other product’s reviews, namely they are presented under Page Titles labeled as INSTYLER COMPLAINTS regardless of whether they default to defenses or to complaints.

Click on the “instyler complaints” to get to a page listing seven Page Titles and seven URLs, which are listed as follows:

“1. INFOMERCIAL SCAMS.COM - **INSTYLER COMPLAINTS**

Uncensored infomercial complaints!

http://www.infomercialscams.com/defenses/instyler_complaints - 19.5kb

2. INFOMERCIAL SCAMS.COM - **INSTYLER COMPLAINTS**

Read real consumer complaints, reviews & ratings for **instyler** complaints. Before you buy **instyler** complaints, read what other buyers have to say.

http://www.infomercialscams.com/scams/instyler_complaints - 26.0kb

3. INFOMERCIAL SCAMS.COM - **INSTYLER COMPLAINTS**

Read real consumer complaints, reviews & ratings for **instyler** complaints. Before you buy **instyler** complaints, read what other buyers have to say.

http://www.infomercialscams.com/scams/instyler_complaints/start/20 - 29.8kb

4. INFOMERCIAL SCAMS.COM - **INSTYLER COMPLAINTS**

Read real consumer complaints, reviews & ratings for **instyler** complaints. Before you buy **instyler** complaints, read what other buyers have to say.

http://www.infomercialscams.com/scams/instyler_complaints/start/40 - 13.4kb

5. INFOMERCIAL SCAMS.COM - **INSTYLER COMPLAINTS**

Uncensored infomercial complaints!

http://www.infomercialscams.com/defenses/instyler_complaints/start/20 - 15.8kb

6. INFOMERCIAL SCAMS.COM - ALL INFOMERCIAL PRODUCT REVIEWS

Uncensored infomercial complaints!

http://www.infomercialscams.com/all_product_reviews.htm - 100.1kb

7. INFOMERCIAL SCAMS.COM - BEAUTY INFOMERCIALS

Uncensored infomercial complaints!

<http://www.infomercialscams.com/beauty.htm> - 26.7kb

Clicking on Page Titles 1 – 5 reveals that:

- 1) Each web Page provides access to the identical set of 49 complaints and 33 defenses.
- 2) They are listed in chronological order. Each Page opens to a different point in the chronology.
- 3) There are FIVE COPIES of the identical set of complaints and defenses.
- 4) Web Pages 2,3 and 4 open by default to complaints, while web Pages 1 and 5 open by default to defenses.
- 5) You can toggle between compaints and defenses from any of the web pages 1 – 5. Regardless of content, by a link at the top of the screen which opens upon clicking on the URL; and
- 6) Each web Page is labeled COMPLAINTS regardless of content.

As a whole, web Pages 1 – 5, by the Site’s choice of URL structure, titling, and editing as to whether they default open to complaints or defenses, the Site mischaracterizes the content of the URLs as a whole.

3. My client’s product reviews are republished five times while other products reviews are published once, which multiple republishing is an attempt by the Site to trade on my client’s trademark to improve the Site’s PageRank™ standing; and

The Site republishes the same reviews five times to create the misimpression of 245 complaints instead of about 50 in terms of the number of times the words “instyler complaints” appears on its Site. Multiple publication of the identical reviews multiplies the number of times the phrase “instyler complaint” appears on the Site, possibly increasing the Site’s PageRank™ standing.

Because the Page Titles are all COMPLAINTS, it also skews the ratio of the times the word COMPLAINTS is used relative to the mark INSTYLER, which may negatively influence public perception of my client's product unfairly.

Assuming that "complaints" are more attractive to viewers who want to go to a Site publishing "scams," the more times "complaint" is used, the higher the PageRank, regardless of whether the consumer reviews reflect negatively on the product itself. By titling the Page Titles COMPLAINTS, the Site is creating a false impression about the content of the reviews they are publishing, since the reviews contain both complaints and defenses.

If the Site treated all products and trademarks equally badly, there might be less to say. However, review of the comparable page for another product advertised on infomercials, the SHAMWOW™ cloth, reveals a more balanced treatment in its Page Titles:

1. INFOMERCIAL SCAMS.COM - **SHAMWOW** COMPLAINTS

Read real consumer complaints, reviews & ratings for **Shamwow** . Before you buy **Shamwow** , read what other buyers have to say.

http://www.infomercialscams.com/scams/shamwow_complaints - 14.1kb

2. INFOMERCIAL SCAMS.COM - **SHAMWOW** DEFENSES

Uncensored infomercial complaints!

http://www.infomercialscams.com/defenses/shamwow_complaints - 7.0kb

3. INFOMERCIAL SCAMS.COM - ALL INFOMERCIAL PRODUCT REVIEWS

Uncensored infomercial complaints!

http://www.infomercialscams.com/all_product_reviews.htm - 100.1kb

4. INFOMERCIAL SCAMS.COM - HOUSEHOLD INFOMERCIALS

Uncensored infomercial complaints!

<http://www.infomercialscams.com/household.htm> - 42.6kb

5. INFOMERCIAL SCAMS.COM - ZORBEEZ COMPLAINTS

Read real consumer complaints, reviews & ratings for Zorbeez . Before you buy Zorbeez , read what other buyers have to say.

http://www.infomercialscams.com/scams/zorbeez_complaints - 18.7kb

Note that for the SHAMWOW™ Cloth, there is ONE page labeled COMPLAINTS and ONE page labeled DEFENSES, even though the ratio of complaints to defenses of this product (15:4) is higher than that of INSTYLER® Iron complaints to defenses of that product (49:33).

A review of how the Site treated the SHAMWOW product reveals a more balanced treatment that still contains both “scams” and “defenses”: There is one COMPLAINT Page Title and one DEFENSES Page Title. The Site has skewed Page Titles to read INSTYLER COMPLAINTS in the ratio of 5:0 instead of 1:1. It therefore appears that the INSTYLER COMPLAINTS titles are skewed by editing them toward a negative consumer impression of my client's product by the title given the Page.

The Page also reflect in their URLs the skew of the default content they present, which is that five of the seven default to COMPLAINTS, while only two default to "defenses." The five "Complaint" URL's are: http://www.infomercialscams.com/scams/instyler_complaints - 26.0kb; http://www.infomercialscams.com/scams/instyler_complaints/start/20 - 29.8kb; http://www.infomercialscams.com/scams/instyler_complaints/start/40 - 13.4kb; http://www.infomercialscams.com/all_product_reviews.htm - 100.1kb and <http://www.infomercialscams.com/beauty.htm> - 26.7kb. In contrast, "Defenses" URL's include only the following two: http://www.infomercialscams.com/defenses/instyler_complaints - 19.5kb and http://www.infomercialscams.com/defenses/instyler_complaints/start/20 - 15.8kb. That they are published in an out of proportion number is defamatory, and also improves PageRank should INSTYLER COMPLAINTS be used as a popular search term.

Regardless of the content of the reviews of consumers, the Page Title INSTYLER COMPLAINTS remains in bold red letters at the top of every screen published. Again, this skews the numbers and is defamatory as it constitutes false advertising.

4. These differences in treatment reflect editing, bias, and intentional manipulative skewing which violate Google® AdSense™ policy and raise issues of trade libel, in addition to comprising false advertising in light of the Site's advertised policy of providing “uncensored infomercial complaints.”

The Site is using its ability to draw readers, and by extension, is trading on the goodwill of Google® AdSense™ by association, to libel my client's product. The Site is engaging in false advertising when it represents itself as providing “uncensored infomercial complaints” because it presents consumer input concerning my client's product as complaints regardless of whether they are complaints or “defenses.” The Site draws hits based on “instyler complaints” by republishing reviews five times over.

On behalf of my client, I request that you take action to end this violation immediately.

A copy of this violation report is also being sent directly to the Site owner and the WebHost.