

ESTTA Tracking number: **ESTTA454139**

Filing date: **02/01/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053693
Party	Defendant Kryptiva Inc.
Correspondence Address	KARIM YAGHMOUR KRYPTIVA INC 927 FLAMAND SHERBROOKE, QC J1N2K3 CANADA karim.yaghmour@kryptiva.com
Submission	Other Motions/Papers
Filer's Name	Karim Yaghmour
Filer's e-mail	karim.yaghmour@opersys.com
Signature	/Karim Yaghmour/
Date	02/01/2012
Attachments	exhibit-affidavit-after-midnight-120131.pdf (1 page)(244638 bytes) pg_0060-b.pdf (1 page)(23909 bytes) technologiapyme-090626.pdf (7 pages)(450092 bytes) pg_0061-b.pdf (1 page)(23908 bytes) ourtools-saiku-090712-scan.pdf (5 pages)(1359146 bytes) pg_0062-b.pdf (1 page)(23909 bytes) ojo-internet-090712.pdf (2 pages)(80679 bytes) pg_0063-b.pdf (1 page)(23907 bytes) wikipedia-archiveorg-120125.pdf (9 pages)(503402 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No.: 3833628
Date of Issue: August 17, 2010
Trademark TEAMBOX

Teambox Technologies SL	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Cancellation No. 92053693
	)	
Opersys Inc.	)	
	)	DECLARATION OF
Registrant,	)	KARIM YAGHMOUR
	)	

I, Karim Yaghmour, being duly sworn, deposes and says:

1. The following exhibits pertain to the "DECLARATION OF KARIM YAGHMOUR" filed with Registrant's BRIEF IN SUPPORT OF REGISTRANT'S OPPOSITION TO PLAINTIFF'S MOTION TO SEEK LEAVE TO AMEND ITS PLEADING and with Registrant's BRIEF IN SUPPORT OF REGISTRANT'S MOTION TO DISMISS. They are being filed here separately given the issues described in the "SUPPLEMENTAL DECLARATION OF KARIM YAGHMOUR" filed along with said briefs.

2. This is a continuation of submission of the above-referenced exhibits through the Electronic System for Trademark Trials and Appeals (ESTTA). A certain number of exhibits having already been filed before midnight of January 31, 2012.

3. The Board should not hesitate to contact me should it have any questions regarding this declaration or the issues surrounding the filing of the above-referenced exhibits.

4. I declare under the penalty of perjury that the foregoing is true and correct.

Sherbrooke, Quebec
January 31, 2012



Karim Yaghmour

Registration Number: 3833628; Cancellation No. 92053693
DECLARATION OF KARIM YAGHMOUR

EXHIBIT F-17

- [Portada](#)
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Teambox, cambio de nombre y novedades para el gestor de proyectos

[2 comentarios](#)



[José M. Cestero](#) 26 de junio de 2009 | 14:00



Saiku, un gestor de proyectos sencillo y gratuito bastante interesante para empresas pequeñas del que ya hemos hablado por aquí ha presentado algunas novedades que aumentan sus posibilidades como herramienta para la colaboración de equipos de trabajo. Un **cambio de nombre a Teambox** (vale, esto en sí mismo no aporta mucho), mejoras en la interfaz y **la posibilidad de instalarlo en nuestro propio servidor** encargándonos nosotros del mantenimiento de los datos.

Lo primero que llama la atención es el **cambio en la interfaz**, que manteniendo su filosofía de sencillez ante todo se ha visto sometida a un buen repaso, en mi opinión para mejor. Prácticamente las mismas opciones con algún pequeño añadido mejorando la usabilidad y dándole un aspecto más terminado. Es en sus opciones “premium” donde podemos encontrar los cambios más profundos, si bien no en cuanto a funciones sí en lo referente a **posibilidades de personalización e instalación**.

- **Personalización:** si optamos por seguir utilizando la aplicación como un servicio, a través de Internet, podemos ahora personalizar el entorno de trabajo, con logotipos y colores propios, integrando el acceso en nuestro sitio web o utilizando nuestro nombre de dominio para gestionar los proyectos. Los precios para esta opción parten de 90 euros mensuales, y se puede tratar con ellos si necesitamos adaptar todavía más el sistema a nuestras necesidades.
- **Instalación local:** la otra opción es utilizar el sistema desde nuestro propio servidor local, interesante si vamos a manejar con él datos protegidos o necesitamos un nivel de personalización específico que queramos manejar nosotros mismos (el software es de código abierto). Podemos llevar a cabo la instalación por nuestra cuenta, pero si no tenemos tiempo o conocimientos suficientes disponen también de servicios de instalación que parten de 500 euros (una única cuota).

En fin, una importante actualización de esta solución que, sin dejar de lado su alternativa gratuita, opta decididamente por **servicios de pago dirigidos a empresas y profesionales**, algunos de los cuales encuentro muy interesantes si necesitáis manejar aplicaciones de este tipo en vuestro trabajo . Si no lo

habíais hecho os recomiendo echar un vistazo a nuestro análisis sobre la versión anterior (enlace al final) y a probar la versión gratuita para ver si encaja con lo que buscáis.

Vía | [PymeCrunch](#)

Más información | [Teambox](#)

En Tecnología Pyme | [Saiku, gestión de proyectos online](#)

[me gusta](#) 0

Categorías: [Software](#), [Servicios web](#)

Tags: [Gestión de proyectos](#), [Saiku](#)

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Puntuación media: **0**

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[Responder](#)

[26 jun 2009 20:31](#)

[↑](#) [↓](#) Karma 5 (0 votos) | normal

- 2



[! gammiben290](#) |  [teambox.com](#)

Hola José M.

El artículo es muy interesante, pero el enlace hacia teambox está roto. Sería genial si pudieras actualizarlo por el correcto [Teambox](#)

[Responder](#)

[4 mar 2011 11:58](#)

[↑](#) [↓](#) Karma 5 (0 votos) | normal

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Registration Number: 3833628; Cancellation No. 92053693
DECLARATION OF KARIM YAGHMOUR

EXHIBIT F-18

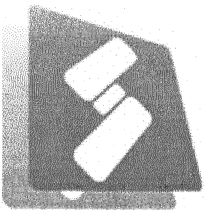
Ourtools, herramientas para las pymes

Experiencia y soluciones para colaborar en red

- Inicio
- PORQUE OUR TOOLS
- 15 BARRERAS AL COLABORAR
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- HERRAMIENTAS
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Teambox - Saiku

12 07 2009



Aplicación basada sobre web para la gestión de proyectos. Su principal virtud es la sencillez. Es una herramienta gratuita orientada a proyectos básicos. Sus principales funcionalidades son la gestión de emails por proyectos, la gestión de tareas, gestión de calendario (fechas), costes y equipos del proyecto, wikis, gestión de archivos (capacidad ilimitada), chat y mensajería instantánea, y rss.

Puede personalizarse la web de tu proyecto.

Parece mejorable su integración con dispositivos móviles.



Visita su sitio web: www.teambox.com

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Me gusta:

Me gusta

Sé el primero en decir que te gusta esta post.

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Información

- Fecha : julio 12, 2009
- Etiquetas: [agenda](#), [email](#), [gestiondocumental](#), [gestionproyectos](#), [mensajeraiinstantanea](#), [todolist](#)
- Categorías : [Castellano](#), [En la nube](#), [Online](#), [Freeware](#), [Inglés](#), [OpenSource](#)

3 respuestas

13 07 2009



Pablo (08:11:31) :

La aplicación se llama ahora Teambox, y está en <http://www.teambox.com>, por si queréis actualizar el enlace.

Gracias!

[Responder](#)

13 07 2009



pymeenred (08:17:34) :

Gracias, Pablo.

Actualizaremos ahora mismo. Felicidades por vuestro proyecto. ¿Teneis alguna comunidad de usuarios a la que podamos referenciarlos? ¿Como consideras que es la curva de aprendizaje de vuestra solución?

Un abrazo.

Joan R. Sánchez Tuomala

[Responder](#)

13 07 2009



Pablo (08:21:00) :

La usabilidad está bastante trabajada, y cualquiera con algo de manejo en informática la adopta rápido como herramienta de trabajo.

La comunidad está en <http://www.getsatisfaction.com/saiku> y en la web hay más recursos, <http://www.teambox.com>

Gracias! ☺

Seguir

Responder

Deja un comentario

Añade tu comentario aquí...

Fill in your details below or click an icon to log in:



Correo electrónico (requerido)

(Not published)

Nombre (requerido)

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Recibir siguientes comentarios por correo.

Publicar comentario

Bienvenidos a Our Tools

Un espacio para recoger vuestra experiencia como PYMEs en el trabajo colaborativo y en red con otras PYMEs.

¿Que estás buscando?

Elegir categoría



¿No localizas tu herramienta?

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Vuestra experiencia



[pymeenred](#) on [PORQUE OUR TOOLS](#)



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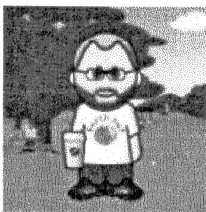
[Joan Sánchez Tuomala](#) on [PORQUE OUR TOOLS](#)

Seguir



Joan Sánchez Tuomala on [PORQUE OUR TOOLS](#)

Sobre mi



Joan R. Sánchez Tuomala, socio y consultor de ProQuaMe. Despacho especializado en consultoría financiera, organizativa, calidad, formación e innovación de micro-organizaciones y PYMEs.

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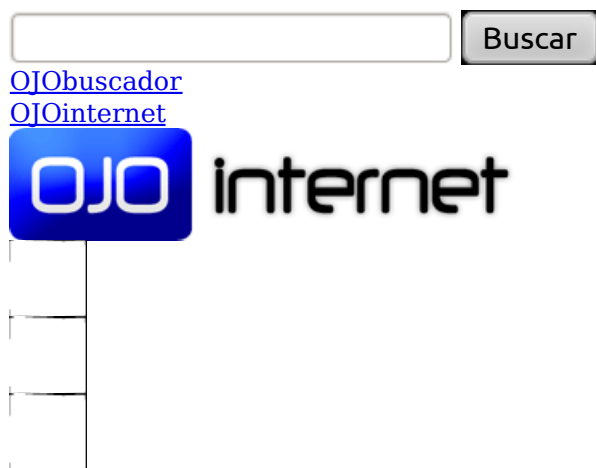
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Blog de WordPress.com. Theme: Freshy by Jide.

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Registration Number: 3833628; Cancellation No. 92053693
DECLARATION OF KARIM YAGHMOUR

EXHIBIT F-19



Qué comentan tus amigos

[Saiku pasa a ser Teambox](#)

artículo de [Carmen López](#) publicado el 14 de julio de 2009...

[Teambox](#), antes conocida como Saiku, ha lanzado una aplicación colaborativa que permite a los usuarios gestionar proyectos online.

Así, con la herramienta se pueden gestionar grupos de trabajo de manera gratuita en su versión de hosted, aunque también ofrece la posibilidad de instalar la aplicación en el propio servidor del usuario en su versión open source. Entre otras funciones, cada proyecto tiene conversaciones, listas de tareas o páginas wiki, chat de grupo, capacidad de subida ilimitada y notificaciones por correo electrónico.

La compañía ha obtenido recientemente una ronda de financiación semilla por parte de Albert Feliu ([Grupo Intercom](#)) y Diego Mariño ([Abiquo](#), cloud computing). Los términos económicos de la operación no han sido divulgados.

Por el momento [Teambox](#) se ofrece en castellano e inglés, aunque con el tiempo se irán añadiendo nuevos idiomas.

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[Lee los 2 comentarios...](#)

1. el 9 de octubre de 2009, [Invierten 100.000 € en TeamBox](#) ha dicho...

[...] y como se publicó hace poco en OJOinternet han recibido recientemente una inversión de varios business angels, entre ellos dos personas [...]

2. el 10 de octubre de 2009, [Consultor informático tecnologías libres](#) ha dicho...

[...] y como se publicó hace poco en OJOinternet han recibido recientemente una inversión de varios business angels, entre ellos dos personas [...]

[Escribe un comentario](#)

Rellena el formulario para poder comentar...

Nombre (obligatorio)

Correo [no se mostrará] (obligatorio)

¿Cuánto suma 2 + 5? (obligatorio)

Sitio Web

XHTML permitido:

 <abbr title=""> <acronym title=""> <blockquote cite=""> <cite> <code> <del datetime=""> <i>
<q cite=""> <strike>

Enviar Comentario

☐

Notifícame de actualizaciones en los comentarios a través de mi cuenta de correo.

© 2003-2012 [OJO internet S.L.](#) ([Datos Legales](#))

Registration Number: 3833628; Cancellation No. 92053693
DECLARATION OF KARIM YAGHMOUR

EXHIBIT G-1

Internet Archive

From Wikipedia, the free encyclopedia

Not to be confused with the arXiv.

For help citing the Internet Archive in English Wikipedia, see Wikipedia:Using the Wayback Machine.

The **Internet Archive** is a non-profit digital library with the stated mission of "universal access to all knowledge".^{[2][3]} It offers permanent storage and access to collections of digitized materials, including websites, music, moving images, and nearly 3 million public domain books. The Internet Archive was founded by Brewster Kahle in 1996. It is a member of the IIPC (International Internet Preservation Consortium).^[4]

With offices located in San Francisco, California, USA, and data centers in San Francisco, Redwood City, and Mountain View, California, USA, the Archive's largest collection is its web archive, "snapshots of the World Wide Web". To ensure the stability and endurance of the Internet Archive, its collection is mirrored at the Bibliotheca Alexandrina in Egypt.^[5]

The Archive allows the public to both upload and download digital material to its data cluster, and provides unrestricted online access to that material at no cost. The Archive also oversees one of the world's largest book digitization projects. It is a member of the American Library Association and is officially recognized by the State of California as a library.^[6]

In addition to its archiving function, the Archive is an activist organization, advocating for a free and open Internet.

The Archive is a 501(c)(3) non-profit operating in the United States. It has a staff of 200, most of whom are book scanners in its book scanning centers. Its main office in San Francisco houses about 30 employees. The Archive has an annual budget of \$10 million, derived from a variety of sources: revenue from its Web crawling services, various partnerships, grants, donations, and the Kahle-Austin Foundation.^[7]

Coordinates: 37°46′56.3″N 122°28′17.65″W﻿ / ﻿

Internet Archive



Type	Digital library
Founded	1996
Key people	Brewster Kahle (Chairman)
Website	www.archive.org (http://www.archive.org)
Alexa rank	 220 (January 2012) ^[1]
Available in	English



Internet Archive headquarters were in the Presidio, a former US military base in San Francisco, from 1996 to 2009.



As of November 2009, new Internet Archive headquarters at 300 Funston in San Francisco, CA, a former Christian Science Church

Contents

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 - 1.5.4 Physical media
- 2 Controversies and legal disputes
 - 2.1 Hate Speech Server for Al-Qaeda
 - 2.2 National Security Letter
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 - 2.5 Suzanne Shell
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- 3 Opposition to Google Books Settlement
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- 5 See also
 - 5.1 Similar projects
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- 8 External links

History

Brewster Kahle founded the Archive in 1996 at the same time that he began the for-profit web crawling company Alexa Internet. The Archive began to archive the World Wide Web from 1996, but it did not make this collection available until 2001, when it developed the Wayback Machine. In late 1999, the Archive expanded its collections beyond the Web archive, beginning with the Prelinger Archive. Now the Internet Archive includes texts, audio, moving images, and software. It hosts a number of other projects: the NASA Images Archive, the contract crawling service Archive-It, and the wiki-editable library catalog and book information site Open Library. Recently, the Archive has begun working to provide specialized services relating to the information access needs of the print-disabled.

According to its website:

Most societies place importance on preserving artifacts of their culture and heritage. Without such artifacts, civilization has no memory and no mechanism to learn from its successes and failures. Our culture now produces more and more artifacts in digital form. The Archive's mission is to help preserve those artifacts and create an Internet library for researchers, historians, and scholars.

Wayback Machine

Main article: Wayback Machine

The Internet Archive has capitalized on the popular use of the term "WABAC Machine" from a segment of the old Rocky and Bullwinkle cartoon, and uses the name "Wayback Machine" for its service that allows archives of the World Wide Web to be searched and accessed.^[8] This service allows users to see archived versions of web pages of the past, what the Internet Archive calls a "three dimensional index". Millions of websites and their associated data (images, source code, documents, etc.) are saved in a gigantic database. The service can be used to see what previous versions of websites used to look like, to grab original source code from websites that may no longer be directly available, or to visit websites that no longer even exist. Not all websites are available, however, because many website owners choose to exclude their sites. As with all sites based on data from web crawlers, the Internet Archive misses large areas of the web for a variety of other reasons. International biases have also been found in its coverage, although this does not seem to be the result of a deliberate policy.^[9]

The use of the term "Wayback Machine" in the context of the Internet Archive has become so common that "Wayback Machine" and "Internet Archive" are almost synonymous. This usage occurs in popular culture, e.g., in the television show *Law and Order: Criminal Intent* ("Legacy", first run Aug. 3, 2008), an extra playing a computer tech uses the "Wayback Machine" to find an archive of a student's Facebook style website. Snapshots usually take at least 6–18 months to be added.



Mirror of the Internet Archive in the Bibliotheca Alexandrina



Wayback Machine logo

Examples from the Wayback Machine's archives:

- Apple Computer (http://wayback.archive.org/web/*/www.apple.com)
- Amazon (http://wayback.archive.org/web/*/www.amazon.com)
- Microsoft (http://wayback.archive.org/web/*/www.microsoft.com)
- BBC News (http://wayback.archive.org/web/*/news.bbc.co.uk)
- Google (http://wayback.archive.org/web/*/google.com)
- Open Directory (http://wayback.archive.org/web/*/dmoz.org)
- Wikipedia (http://wayback.archive.org/web/*/www.wikipedia.org)

Open Library

Main article: Open Library

The Open Library is another project of the Internet Archive. The site seeks to include a web page database for every book ever published, a sort of open source version of WorldCat. It holds 23 million catalog records of books, in addition to the full texts of about 1,600,000 public domain books, which are fully readable and downloadable.^{[10][11]} Open Library is a free/open source software project, with its source code freely available on the Open Library site.

Archive-It

First deployed in early 2006, Archive-It (<http://www.archive-it.org/>) is a web archiving service that allows institutions and individuals to build and preserve collections of digital content and create Digital Archives. Through a web application, Archive-It partners can harvest, catalog, manage, and browse their archived collections. Collections are hosted by the Internet Archive and are available to the public with full-text search. Content collected through Archive-It is stored with a primary and back-up copy, is periodically indexed into the Internet Archive's general archive, and a copy of the data can be sent to the partner institutions.

As of May 2011, Archive-It had over 180 partner institutions in 44 US States and 14 countries that have captured over 2.7 billion URLs for over 1534 public collections. Archive-It partners are universities and college libraries, state archives, federal institutions, museums, law libraries and cultural organizations, including the Electronic Literature Organization, North Carolina State Archives and Library, Stanford University, Columbia University, American University in Cairo, Georgetown Law Library and many others.

nasaimages.org

NASA Images was created through a Space Act Agreement between the Internet Archive and NASA to bring public access to NASA's image, video, and audio collections in a single, searchable resource. The NASA Images team works closely with all of the NASA centers to keep adding to the ever-growing collection at nasaimages.org (<http://nasaimages.org/>) . The site launched in July 2008 and now has more than 100,000 items online.

Media collections

In addition to web archives, the Internet Archive maintains extensive collections of digital media that are attested by the uploader to be in the public domain in the United States or licensed under a license that allows redistribution, such as Creative Commons licenses. The media are organized into collections by media type (moving images, audio, text, *etc.*), and into sub-collections by various criteria. Each of the main collections includes an "Open Source" sub-collection where general contributions by the public are stored.

Moving image collection

Aside from feature films, IA's Moving Image collection includes: newsreels; classic cartoons; pro- and anti-war propaganda; Skip Elsheimer's "A.V. Geeks" collection; and ephemeral material from Prelinger Archives, such as advertising, educational and industrial films and amateur and home movie collections.

IA's *Brick Films* collection contains stop-motion animation filmed with Lego bricks, some of which are "remakes" of feature films. The *Election 2004* collection is a non-partisan public resource for sharing video materials related to the 2004 United States Presidential Election. The *Independent News* collection includes sub-collections such as the Internet Archive's *World At War competition from 2001*, in which contestants created short films demonstrating "why access to history matters." Among their most-downloaded video files are eyewitness recordings of the devastating 2004 Indian Ocean earthquake. The September 11th Television Archive (http://www.archive.org/details/sept_11_tv_archive) contains archival footage from the world's major television networks of the terrorist attacks of September 11th, 2001 as they unfolded on live television.

Some of the films available on the Internet Archive are:

- | | | |
|--------------------------------|----------------------------------|--------------------------|
| ■ <i>The 39 Steps</i> (1935) | ■ <i>Broken Blossoms</i> | ■ <i>Columbia Revolt</i> |
| ■ <i>Battleship Potemkin</i> | ■ <i>The Century of the Self</i> | ■ <i>D.O.A.</i> (1950) |
| ■ <i>The Birth of a Nation</i> | ■ <i>Charade</i> (1963) | ■ <i>Danger Lights</i> |

- | | | |
|---|--|---|
| <ul style="list-style-type: none"> ■ <i>Das Cabinet des Dr. Caligari</i> ■ <i>Dating Do's and Don'ts</i> ■ <i>Detour</i> ■ <i>Duck and Cover</i> ■ <i>Escape from Sobibor</i> ■ <i>Fire Over England</i> ■ <i>The General</i> ■ <i>Greed</i> ■ <i>Hemp for Victory</i> ■ <i>Intolerance</i> ■ <i>The Kid</i> | <ul style="list-style-type: none"> ■ <i>Le voyage dans la Lune</i> ■ <i>Lying Lips</i> ■ <i>M</i> ■ <i>The Man Who Knew Too Much</i> ■ <i>Manos: The Hands of Fate</i> ■ <i>Manufacturing Consent: Noam Chomsky and the Media</i> ■ <i>Night of the Living Dead</i> ■ <i>Nosferatu</i> (not public domain outside of the | <ul style="list-style-type: none"> United States) ■ <i>Plan 9 from Outer Space</i> ■ <i>The Power of Nightmares</i> (not public domain) ■ <i>Princess Iron Fan</i> (1941) ■ <i>Reefer Madness</i> ■ <i>Sex Madness</i> ■ <i>She Done Him Wrong</i> (1933) ■ <i>Triumph of the Will</i> ■ All seven episodes of <i>Why We Fight</i> |
|---|--|---|

See also Wikipedia list of films freely available on the Internet Archive ([//en.wikipedia.org/w/index.php?title=Special:WhatLinksHere/Template:Internet_Archive_film&limit=500](https://en.wikipedia.org/w/index.php?title=Special:WhatLinksHere/Template:Internet_Archive_film&limit=500)) .

Audio collection

Main article: Live Music Archive

The audio collection includes music, audio books, news broadcasts, old time radio shows and a wide variety of other audio files.

The Live Music Archive sub-collection includes over 50,000 concert recordings from independent artists, as well as more established artists and musical ensembles with permissive rules about recording their concerts such as the Grateful Dead, and more recently, The Smashing Pumpkins. Jordan Zevon has also allowed anyone to share concert recordings of his father Warren Zevon on the Internet Archive.

Text collection

The texts collection includes digitized books from various libraries around the world as well as many special collections. The Internet Archive operates 23 scanning centers in five countries, digitizing about 1,000 books a day, financially supported by libraries and foundations.^[12] As of November 2008, when there were about 1 million texts, the entire collection was over 0.5 petabytes, which includes raw camera images, cropped and skewed images, PDFs, and raw OCR data.^[13]

Between about 2006 and 2008 Microsoft Corporation had a special relationship with Internet Archive texts through its Live Search Books project, scanning over 300,000 books which were contributed to the collection, as well as financial support and scanning equipment. On May 23, 2008 Microsoft announced it would be ending the Live Book Search project and no longer scanning books.^[14] Microsoft made its scanned books available without contractual restriction and donated its scanning equipment to its former partners.^[14]



Internet Archive book scanner

Around October 2007 Archive users began uploading public domain books from Google Book Search.^[15] As of May 2011 there were over 900,000 Google-digitized books in the Archive's collection, out of a total of 2.8 million books. The books are identical to the copies found on Google, except without the Google watermarks, and are available for unrestricted use and download, like all Internet Archive materials.^[16]

Physical media

Voicing a strong reaction to the idea of books simply being thrown away, and inspired by the Svalbard Global Seed Vault, Kahle now envisions collecting one copy of every book ever published. "We're not going to get there, but that's our goal," he said. Alongside the books, Kahle plans to store the Internet Archive's old servers, which were replaced late last year.^[17]

Controversies and legal disputes

Hate Speech Server for Al-Qaeda

On August 17, 2011, Middle East Media Research Institute (MEMRI.org) published "Al-Qaeda, Jihadis Infest the San Francisco, California-Based 'Internet Archive' Library"^[18], which detailed how members can post anonymously and enjoy free uncensored hosting.

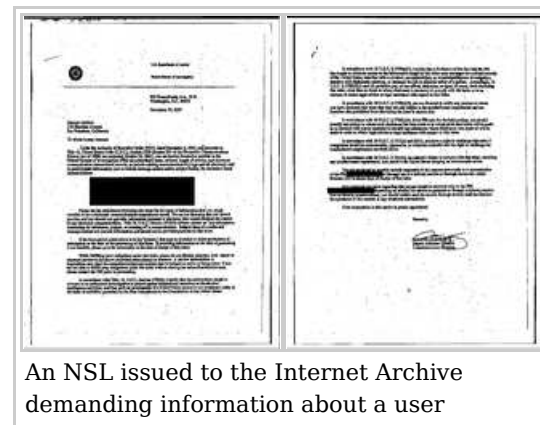
National Security Letter

On May 8, 2008, it was revealed that the Internet Archive successfully challenged an FBI National Security Letter asking for logs on an undisclosed user.^{[19][20]}

Scientology

See also: Scientology and the Internet

In late 2002, the Internet Archive removed various sites critical of Scientology from the Wayback Machine.^[21] The error message stated that this was in response to a "request by the site owner."^[22] It was later clarified that lawyers from the Church of Scientology had demanded the removal and that the actual site owners did not want their material removed.^[23]



An NSL issued to the Internet Archive demanding information about a user

Healthcare Advocates, Inc.

In 2003, Harding Earley Follmer & Frailey defended a client from a trademark dispute using the Archive's Wayback Machine. The lawyers were able to show that the plaintiff's claims were invalid based on the content of their web site from several years prior. The plaintiff, Healthcare Advocates, then amended their complaint to include the Internet Archive, accusing the organization of copyright infringement as well as violations of the DMCA and the Computer Fraud and Abuse Act. Healthcare Advocates claimed that, since they had installed a robots.txt file on their website, even if after the initial lawsuit was filed, the Archive should have removed all previous copies of the plaintiff website from the Wayback Machine.^[24] The lawsuit was settled out of court.^[25]

Robots.txt is used as part of the Robots Exclusion Standard, a voluntary protocol the Internet Archive respects that disallows bots from indexing certain pages delineated by the creator as off-limits. As a result, the Internet Archive has rendered unavailable a number of websites that are now inaccessible through the Wayback Machine. Currently, the Internet Archive applies robots.txt rules retroactively; if a site blocks the Internet Archive, like Healthcare Advocates, any previously archived pages from the domain are also rendered unavailable. In cases of blocked sites, only the robots.txt file is archived.

However, the Internet Archive also states, "Sometimes a web site owner will contact us directly and ask us to stop crawling or archiving a site. We comply with these requests."^[26] In addition, the website says: "The Internet Archive is not interested in preserving or offering access to Web sites or other Internet documents of persons who do not want their materials in the collection."^[27]

Suzanne Shell

On December 12, 2005, activist Suzanne Shell demanded Internet Archive pay her US\$100,000 for archiving her website profane-justice.org between 1999 and 2004.^[28] Internet Archive filed a declaratory judgment action in the United States District Court for the Northern District of California on January 20, 2006, seeking a judicial determination that Internet Archive did not violate Shell's copyright. Shell responded and brought a countersuit against Internet Archive for archiving her site, which she alleges is in violation of her terms of service.^[29] On February 13, 2007, a judge for the United States District Court for the District of Colorado dismissed all counterclaims except breach of contract.^[28] The Internet Archive did not move to dismiss copyright infringement claims Shell asserted arising out of its copying activities, which will also go forward.^[30]

On April 25, 2007, Internet Archive and Suzanne Shell jointly announced the settlement of their lawsuit. The

Internet Archive said, "Internet Archive has no interest in including materials in the Wayback Machine of persons who do not wish to have their Web content archived. We recognize that Ms. Shell has a valid and enforceable copyright in her Web site and we regret that the inclusion of her Web site in the Wayback Machine resulted in this litigation. We are happy to have this case behind us." Shell said, "I respect the historical value of Internet Archive's goal. I never intended to interfere with that goal nor cause it any harm."^[31]

Grateful Dead

In November 2005, free downloads of Grateful Dead concerts were removed from the site. John Perry Barlow identified Bob Weir, Mickey Hart, and Bill Kreutzmann as the instigators of the change, according to a *New York Times* article.^[32] Phil Lesh commented on the change in a November 30, 2005, posting to his personal website:

It was brought to my attention that all of the Grateful Dead shows were taken down from Archive.org right before Thanksgiving. I was not part of this decision making process and was not notified that the shows were to be pulled. I do feel that the music is the Grateful Dead's legacy and I hope that one way or another all of it is available for those who want it.^[33]

A November 30 forum post from Brewster Kahle summarized what appeared to be the compromise reached among the band members. Audience recordings could be downloaded or streamed, but soundboard recordings were to be available for streaming only. Concerts have since been re-added.^[34]

Opposition to Google Books Settlement

The Internet Archive is a member of the Open Book Alliance, which has been among the most outspoken critics of the Google Book Settlement. The Archive advocates an alternative digital library project (<http://www.opencontentalliance.org/>) .

Opposition to S.O.P.A. and P.I.P.A.

The Internet Archive blacked out its website for twelve hours on 18 January 2012 in protest of the Stop Online Piracy Act and the PROTECT IP Act, two pieces of pending legislation in the United States Congress that they claim will "negatively affect the ecosystem of web publishing that led to the emergence of the Internet Archive." This occurred in conjunction with the English Wikipedia blackout, as well as numerous other protests across the internet.^[35]

See also

Similar projects

- Internet Memory Foundation (<http://internetmemory.org/>)
- Library of Congress Digital Library project
- National Digital Information Infrastructure and Preservation Program
- Ourmedia - Internet Archive project that freely hosts public image, text, audio, and video submissions
- Project Gutenberg
- UK Government National Web Archive (<http://www.nationalarchives.gov.uk/webarchive/>)
- UK Web Archive provided by the British Library (<http://www.webarchive.org.uk/>)
- WebCite

Other

- Digital preservation
- Heritrix
- Link rot
- Memory hole
- PetaBox
- Web archiving

- Web crawler

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- ↑ Internet Archive: Universal Access to all Knowledge (<http://www.archive.org/details/SDForumBK>)
- ↑ Members (<http://netpreserve.org/about/memberList.php>) (International Internet Preservation Consortium)
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 - Internet Archive Mirror (<http://archive.bibalex.org/>) at the Bibliotheca Alexandrina, Egypt
- The Other Minds Archive (http://www.archive.org/details/other_minds) – New Music Resource from radiom.org (<http://radiom.org>)
- Web Archiving at archive.org (<http://iawebarchiving.wordpress.com/>) , details of Internet Archive operations
- Pictures and descriptions of the Wayback Machine hardware in 2003 (prior to the Petabox), with cost information (<http://www.archive.org/web/hardware.php>)
- Current Petabox storage hardware (<http://www.archive.org/web/petabox.php>)
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Categories: 1996 establishments | Digital libraries | Ebook suppliers | Film archives

| Foundations based in the United States | Non-profit organizations based in San Francisco, California

| History of the Internet | Online archives | Public libraries in California | Sound archives | Web archives

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