

5. Mar. 2004 17:05

MAISON MERCIER

Nº.0256 P. 1

*Micheloud & Cie**www.micheloud.com***Google, Inc.**

Attn: Customer Support, DMCA Complaints

Mountain View, CA 94043

Lausanne, February 2004

Sent via : Federal Express and by email.  
Concerning : Infringement of copyright notification  
Original website : [www.swiss-bank-accounts.com](http://www.swiss-bank-accounts.com)  
Infringing website : [www.swiss-banks-online.com](http://www.swiss-banks-online.com)

Sir,

I am a Swiss lawyer and a partner of Micheloud & Cie, a Swiss company incorporated in Lausanne, Switzerland.

On December the 5<sup>th</sup> we had written you to notify you of a copyright infringement and fraudulent promotion of service on the website [www.swissgates.com](http://www.swissgates.com) which was listed on GoogleAdwords.

In our letter we explained how [www.swissgates.com](http://www.swissgates.com) had copied client testimonials from our website and faked them so that they looked like real client testimonials from [www.swissgates.com](http://www.swissgates.com).

Following to our letter [www.swissgates.com](http://www.swissgates.com) removed the fake testimonials.

We were thus quite surprised to see that GoogleAdwords still advertises for [www.swissgates.com](http://www.swissgates.com). Even more suprising, we discovered that Google also links to a mirror of the original [www.swissgates.com](http://www.swissgates.com) website, [www.swiss-banks-online.com](http://www.swiss-banks-online.com) that contains the very same fake testimonials we wrote you about in December.

If you look on Google with the words: Swiss-banks-online

Google directly links to the page:

<http://www.swiss-banks-online.com/account1.html>

<http://www.swiss-banks-online.com/account2.html>

**Lausanne**

CH-1003, Lausanne, Switzerland

Phone [REDACTED]

Fax [REDACTED]

[REDACTED]@[REDACTED].com

**Geneva**

CH-1204, Geneva, Switzerland

Phone [REDACTED]

Fax [REDACTED]

[REDACTED]@[REDACTED].com

**Sion**

CH-1950, Sion, Switzerland

Phone : [REDACTED]

Fax : [REDACTED]

[REDACTED]@[REDACTED].com

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<http://www.swiss-banks-online.com/>

This website infringes our copyrighted work. The website [www.swiss-bank-accounts.com](http://www.swiss-bank-accounts.com) has been created in January 2001. The infringing website [www.swiss-banks-online.com](http://www.swiss-banks-online.com) had its domain name registered in August 2003.

The copyrighted works at issue are the original texts that appear on our website on:

1. <http://swiss-bank-accounts.com/e/index.html>
2. <http://swiss-bank-accounts.com/e/banking/main.html>
3. <http://swiss-bank-accounts.com/e/testimonials/index.html>
4. <http://swiss-bank-accounts.com/e/banking/accounts/swiss-postal-account.html>

**Infringements:**

1. The homepage of <http://www.swiss-banks-online.com> (exhibit 1A) contains direct cut and paste copy of the text on our home page <http://swiss-bank-accounts.com/e/index.html> (exhibit 1B).
2. The description of the "postal account" on [www.swiss-banks-online.com](http://www.swiss-banks-online.com) (exhibit 2A) is also cut and pasted from our description on <http://swiss-bank-accounts.com/e/banking/main.html> (exhibit 2B).
3. The client testimonials given on the left frame of the pages [www.swiss-banks-online.com](http://www.swiss-banks-online.com), [www.swiss-banks-online.com/account2.html](http://www.swiss-banks-online.com/account2.html), <http://www.swiss-banks-online.com/account1.html>, <http://www.swiss-banks-online.com/faqs.htm>, (exhibit 3A) are cut and pasted from our real clients testimonials on <http://swiss-bank-accounts.com/e/testimonials/index.html> (exhibit 3B). The "testimonial" listed as "Westchester, New York, USA" is a copy of our real testimonial from "CEO, USA". The one from "Newcastle-upon-Tyne, England" is copied from our real "IT consultant Manchester, UK", the one from "Buenos Aires, Argentina" is a copy from our "Agricultural engineer, Guinea". The only difference is that the name of our company has been replaced by "Swissgates". For example, on their testimonial from "Buenos Aires, Argentina", they wrote "[...] Please transmit my fraternal salute to all the workers at SwissGates.com" which is a copy of "Please transmit my fraternal salute to all the workers at Micheloud & Cie". The testimonials on our website come from real clients and we have ample proof on file.
4. The page <http://www.swiss-banks-online.com/account1.html> (exhibit 4A) is a copy of <http://swiss-bank-accounts.com/e/banking/accounts/swiss-postal-account.html> (exhibit 4B). It was copied just before our last update.

Based upon the foregoing, we hereby demand that you remove from your listed pages the website <http://www.swiss-banks-online.com>.

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The registrant for both domains [www.swiss-banks-online.com](http://www.swiss-banks-online.com) and [www.swissgates.com](http://www.swissgates.com) is:

PAL Solutions LTD

Street,  
Huddersfield, HD1 1RL,  
United Kingdom.

Pal Solutions Ltd has a website at [www.palsoft.com](http://www.palsoft.com) where they sell various programs such as PAL Keylogger, a spy software that will "secretly record EVERY keystroke on any computer including passwords and will record websites visited. All this discreetly and will silently email all the logs to you!".

We are not certain how you can contact them. The website [www.swissgates.com](http://www.swissgates.com) lists a UK mobile number as the telephone number for its "Worldwide headquarters" ([REDACTED]) as well as an email [REDACTED]@[REDACTED].com. You may be more successful if you try to reach directly the company director, Mr. [REDACTED], born 29/3/1980, British. His personal address in the UK is [REDACTED] Road, Huddersfield, HD1 5DX, United Kingdom or [REDACTED], Harrison NY, 10528 in the US.

I have a good faith belief that use of the copyrighted materials described above on the allegedly infringing web pages is not authorized by the copyright 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 copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

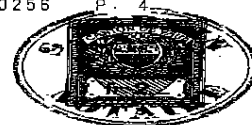
You can contact us by email at [REDACTED]@[REDACTED].com.

Truly yours,

[REDACTED]  
Michéoud et Cie  
[REDACTED]

Annex:

- Printout of the infringing pages authenticated by a Swiss notary



Visa No 5.-

---VISA POUR DATE CERTAINE - CONSTAT---

Je soussigné SERGE YERSIN, NOTAIRE A  
LAUSANNE (Suisse) pour le district de ce nom,  
agissant à la réquisition de Micheloud &  
Cie, société en nom collectif à 1003 Lausanne, rue du Grand-  
Chêne huit,

certifie avoir personnellement consulté, ce  
jour à seize heures et quinze minutes, les neuf pages suivantes  
issues du site [www.swiss-banks-online.com](http://www.swiss-banks-online.com) :  
<http://www.swiss-banks-online.com>  
<http://www.swiss-banks-online.com/account1.html>  
<http://www.swiss-banks-online.com/account2.html>  
<http://www.swiss-banks-online.com/contacts.html>  
<http://www.swiss-banks-online.com/support.html>  
<http://www.swiss-banks-online.com/products.html>  
<http://www.swiss-banks-online.com/about.html>  
<http://www.swiss-banks-online.com/services.html>  
<http://www.swiss-banks-online.com/faqs.html>

J'ai constaté que le site y relatif existe  
et que le document de quatorze pages A4 (A quatre) ci-annexé  
constitue une impression de ces pages dudit site en anglais.

Par ailleurs, je certifie avoir  
personnellement vérifié, ce même jour à la même heure,  
l'identité du détenteur du nom de domaine « emulous.com » tel  
qu'il apparaît sur le site  
[http://www.networksolutions.com/en\\_US/whois/index.jhtml](http://www.networksolutions.com/en_US/whois/index.jhtml),

détenteur figurant sur le document de deux pages A4 (A quatre)  
ci-annexé qui constitue une impression de ces pages en anglais.

DONT ACTE, fait et passé en brevet à  
Lausanne, ce vingt-cinq février deux mil quatre.



*[Handwritten signature]*



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Swiss bank accounts - SwissGates.com

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## SwissGates.com

Swiss bank accounts - SwissGates.com



SEARCH

Westchester, New York, USA.  
Thank you very much, your service has been wonderful. I will be very glad to recommend your firm to all my business relations. Thanks.  
[read more...](#)

Newcastle-upon-Tyne, England.  
Gentlemen, Thank you for opening me a Classic Swiss bank account. This account is just what I needed and so far it offered almost all the facilities which I wanted. Most of my international clients now pay me on this account and I can manage it all through the Internet. I'll be sure to recommend you to my friends and partners!  
[read more...](#)

Buenos Aires, Argentina.  
I inform you that I received the message confirming the opening of my Swiss bank account, and I thank you for that. It is a dream that has come true thanks to your continuous support. Please transmit my fraternal salute to all the workers at SwissGates.com  
[read more...](#)

Welcome to SwissGates.com

**Need a Swiss bank account? We can open one.**

With our Swiss bank account broker you can open accounts with some banks in Switzerland, most of which operations for over 100 years. We both by mail and in person, and at a time setup fee for our service.

**You can start immediately, please the two different accounts on offer**

The entry level Swiss bank account, offers powerful features at a reasonable price and with no minimum balance requirements.  
Order today for USD \$129.95  
[view details...](#)

With this bank account you can save your money in more than 10 different currencies. Ideal for more demanding customers.  
Order today for USD \$149.95  
[view details...](#)

SWISSGATES.COM

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Swiss bank accounts - SwissGates.com

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## SwissGates.com



Westchester, New York, USA.  
Thank you very much, your service has been wonderful. I will be very glad to recommend your firm to all my business relations. Thanks.

[read more...](#)

Newcastle-upon-Tyne, England.  
Gentlemen, Thank you for opening me a Classic Swiss bank account. This account is just what I needed and so far it offered almost all the facilities which I wanted. Most of my international clients now pay me on this account and I can manage it all through the internet. I'll be sure to recommend you to my friends and partners!

[read more...](#)

Buenos Aires, Argentina.  
I inform you that I received the message confirming the opening of my Swiss bank account, and I thank you for that. It is a dream that has come true thanks to your continuous support. Please transmit my fraternal salute to all the workers at SwissGates.com

[read more...](#)

### Swiss Postal Account

This Swiss bank account offers a powerful internet banking access, an international debit card enabling you to withdraw cash at ATMs anywhere in the world, no minimum deposits, a total safety of your funds (the bank's main shareholder is none other than the Swiss Confederation) and of course, Swiss bank secrecy. This is a great solution for businesses and individuals who need a powerful current account and it is also an excellent entry-level Swiss bank account.

- Powerful internet banking access (in English, French, German and Italian)
- International debit card to withdraw funds at more than 420'000 ATMs worldwide
- No minimum balance requirements
- Offices everywhere in Switzerland
- Total security of your deposits
- Swiss bank secrecy

The set-up fee for this account is USD \$129.95 - Click here to begin.

#### Min balance

No minimum balance required.

#### Available currencies

Australian Dollar, British pound, Canadian Dollar, Danish Krone, Euro, Norwegian Krone, Swedish Krone, Swiss Franc, US Dollar, Yen.

#### Setup mode

By mail or in person. When opening by mail we need a valid passport with an apostille as well as the usual documents about the economic origin of the funds. In person no apostille is necessary. Note: There are two forms which are only available in German, French or Italian. All other documents are available in English, including internet banking and correspondence with your account officer.

#### Internet banking

Excellent internet banking system in English, French, German and Italian. The system enables you to view your account statements online and to transfer money to any bank account in the world 24 hours a day. It uses 2 passwords and a scratch list with 128 bits encryption for optimal security. At Micheloud & Co, we use such an account to receive payment from our clients and to pay our international suppliers.

03/19/2004 FRI 11:41 FAX 650 623 4651 GOOGLE INC

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Swiss bank accounts - SwissGates.com

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Have questions? Please read our Frequently Asked Questions.

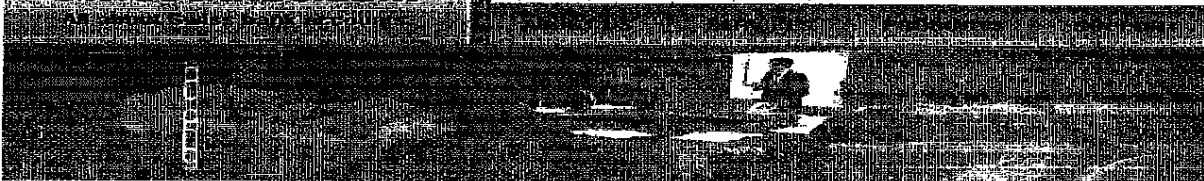
Home



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Swiss bank accounts - SwissGates.com

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SwissGates.com



Westchester, New York, USA.  
Thank you very much, your service has been wonderful. I will be very glad to recommend your firm to all my business relations. Thanks.

[read more...](#)

Newcastle-upon-Tyne, England.  
Gentlemen, Thank you for opening me a Classic Swiss bank account. This account is just what I needed and so far it offered almost all the facilities which I wanted. Most of my international clients now pay me on this account and I can manage it all through the internet. I'll be sure to recommend you to my friends and partners!

[read more...](#)

Buenos Aires, Argentina.  
I inform you that I received the message confirming the opening of my Swiss bank account, and I thank you for that. It is a dream that has come true thanks to your continuous support. Please transmit my fraternal salute to all the workers at SwissGates.com

[read more...](#)

#### Swiss Multi-Currency Account

This Swiss bank account offers a powerful internet banking access, the ability to open sub accounts in more than ten different currencies, an international debit card enabling you to withdraw cash at ATMs anywhere in the world, no minimum deposits, a total safety of your funds (the bank's main shareholder is none other than the Swiss Confederation) and of course, Swiss bank secrecy. This is a great solution for businesses and individuals who need a powerful current account with the ability to use many different currencies.

- Powerful internet banking access (in English, French, German and Italian)
- International debit card to withdraw funds at more than 420'000 ATMs worldwide
- No minimum balance requirements
- Your own account officer in your own language
- Multiple currencies accounts available
- Offices everywhere in Switzerland
- Total security of your deposits
- Swiss bank secrecy

The set-up fee for this account is USD \$149.95 - [Click here to begin.](#)

**Min balance**  
No minimum balance required.

**Available currencies**  
Australian Dollar, British pound, Canadian Dollar, Danish Krone, Euro, Norwegian Krone, Swedish Krone, Swiss Franc, US Dollar, Yen.

**Setup mode**  
By mail or in person. When opening by mail we need a valid passport with an apostille as well as the usual documents about the economic origin of the funds. In person no apostille is necessary. Note: There are two forms which are only available in German, French or Italian. All other documents are available in English, including internet banking and correspondence with your account officer.

**Internet banking**  
Excellent internet banking system in English, French, German and Italian. The system enables you to view your account statements online and to transfer money to any bank account in the world 24 hours a day. It uses 2

<http://www.swiss-banks-online.com/account? html>

25.03.2004



03/19/2004 FRI 11:43 FAX 650 623 4651 GOOGLE INC

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