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Squirrel Tracks Wooden Trains

Durham, NC 27707

February 28, 2005

Google, Inc.

Attn: [REDACTED]

Mountain View, CA 94043

Fax: [REDACTED]

Re: [#21927291] Google DMCA Complaint

Dear Google Team,

Here is the additional information you requested to support my copyright infringement claim filed with you by fax on 2/23/05.

To give you a little background, I sell wooden toy trains on my website. Our primary customers are parents buying for their 3-6 year old children. In 2003 I wrote a series of "Information and Ideas" pages to give our customers and visitors information useful in purchasing and playing with wooden toy trains. One of our competitors overhauled his website sometime after I wrote these pages (my best guess is in late 2004 or 2005) and took substantial portions of my work 1) to attract and retain customers, 2) to generate sales at his website, and 3) to increase his site's perceived value in hopes of bettering his standing on sites such as Google. In some search queries his site ranks higher than my site by improperly using *my* information.

Additionally, the same material was improperly taken for use in articles by "[REDACTED]" on a site called Article Insider

(http://trains.articleinsider.com/71547_wooden_train_accessories.html). That page and a number of others on the site supposedly give independent, unbiased information about play with wooden trains, but in fact link directly to my infringing competitor's site. I am collecting information to file a DMCA complaint with Google on the Article Insider site pages and will file those complaints later this week.

The copyrighted work at issue is the text that appears on
www.squirreltracks.com/basics/basics.html and
www.squirreltracks.com/layouts/layouts.html

Infringing Web Pages found in various searches on Google:
www.woodentracks.com/brio_compatible.htm
www.woodentracks.com/wooden_toy_train.htm
www.woodentracks.com/wooden_train_set.htm
www.woodentracks.com/wooden_train_accessories.htm

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The following text is from <http://www.squirreltracks.com/basics/basics.html> and was written and copyrighted by me in 2003.

===== original text for which I claim copyright =====

What does "BRIO-compatible" mean?
Wooden trains that ride on wooden tracks have been around for almost 70 years. Many manufacturers now make such trains and almost all of them make their trains to conform to the Vario-System so that consumers can mix and match and enjoy complete compatibility and interchangeability. The most famous manufacturer of wooden trains is BRIO® of Sweden, the largest wooden toy company in the world. The term, "BRIO-compatible" has become the catchphrase for "conforms to the Vario-System." Our trains are BRIO-compatible and are made by Maxim Enterprises of the U.S. and Eichhorn of Germany. We feel that Maxim and Eichhorn offer the best wooden train value in the world today.

The following text infringes on my copyright. It is from http://www.woodentracks.com/brio_compatible.htm and appears to have been posted sometime in later 2004 or 2005.

----- text at woodentracks.com that infringes on my copyright -----

What Does Brio Compatible Mean?
Wooden trains that roll on wooden tracks have been around for many many years. Most wooden train manufacturers make their trains to conform to the Vario-System so that consumers can mix and match and enjoy complete compatibility and interchangeability. The most famous manufacturer of wooden trains is BRIO® of Sweden. The term, "BRIO-compatible" has become the catch phrase for "Conforms to the Vario-System." All of WoodenTracks.com trains are BRIO-compatible and are made by Maxim Enterprises. Maxim Enterprise offers the best wooden train value in the world today.

As you can see, except for a handful of changed words, the text is identical.

The following text is from <http://www.squirreltracks.com/basics/basics.html> and was written and copyrighted by me in 2003.

===== original text for which I claim copyright =====

How do wooden trains work?

Wooden trains roll along in grooves on wooden track. The cross-section below shows the grooves on both sides of a piece of track. Track pieces often have grooves on both sides to make them reversible so that a piece of track that curves right can be flipped over to make it curve left.

Track pieces can be assembled in any combination - one piece connected to the next, connected to the next, etc. - to make simple or complex paths ("layouts") for the trains to go on.

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The following text infringes on my copyright. It is from http://www.woodentracks.com/wooden_toy_train.htm and appears to have been posted sometime in later 2004 or 2005.

----- text at woodentracks.com that infringes on my copyright -----

How Wooden Toy Trains Work

Wooden train sets roll along in grooves on wooden tracks. Both sides of the wooden tracks have grooves in them that match the trains. Often, the wooden track pieces will have grooves on both sides, which makes them reversible so that a piece of track that curves right can be flipped to be one that curves left. Track pieces can be assembled in any combination and it is truly up to one's imagination as to how the design will turn out.

The infringer made a few rearrangements in the above text to account for the fact that my website has an accompanying graphic and his does not. Still, the text is wholly identical and clearly derivative. The infringer uses the same text on another page below:

The following text infringes on my copyright. It is from http://www.woodentracks.com/wooden_train_set.htm and appears to have been posted sometime in later 2004 or 2005.

----- text at woodentracks.com that infringes on my copyright -----

How Wooden Toy Trains Work

Wooden train sets roll along in grooves on wooden tracks. Both sides of the wooden tracks have grooves in them that match the trains. Often, the wooden track pieces will have grooves on both sides, which makes them reversible so that a piece of track that curves right can be flipped to be one that curves left. Track pieces can be assembled in any combination and it is truly up to one's imagination as to how the design will turn out.

The following text is from <http://www.squirreltracks.com/basics/basics.html> and was written and copyrighted by me in 2003.

===== original text for which I claim copyright =====

A Brief History of Wooden Trains

The man generally credited with creating the wooden trains and wooden tracks we know and love today was Marshal H. Larrabee. He started Skaneateles Handicrafters in Skaneateles, New York in 1936 after his doctors told him to take it easy!

According to the Technology Alliance of Central New York's Technology Club Newsletter for June 2001, "Larrabee was a young, newlywed banker when he was stricken with tuberculosis. He and his wife, Elizabeth, moved to Skaneateles in 1934 to aid his recovery. He took up woodworking when his doctors urged him to find an interest. It was Elizabeth who suggested he make a wooden train small enough for youngster's hands. His toys soon were the hit of the neighborhood. Encouraged, he started showing his wares to department stores. He was derailed repeatedly, until the toy buyer at Marshal Fields, the mammoth Chicago department store,

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said she would take all the trains he could make." (Larrabee was treasurer of the Technology Alliance for many years.)

When Larrabee later sold his company to Habermaass GmbH of Germany, it became "T.C. Timber." Interestingly, though their company started the whole wooden train concept, they are one of the few manufacturers that does not completely conform to the Vario-System.

Larrabee's original wooden trains were a big hit that hatched an enduring phenomenon. The simple fun of learning and discovering with wooden trains has delighted generations across the globe!

=====

The following text infringes on my copyright. It is from http://www.woodentracks.com/wooden_train_set.htm and appears to have been posted sometime in later 2004 or 2005.

----- text at woodentracks.com that infringes on my copyright -----

A brief history of the Wooden Train Set
If you loved wooden train sets as a child. We are sure that you still remember when you received your first one. Wooden and metal floor toys that resembled trains have been around since the 1860's, but the man "credited" for creating and making the wooden trains sets that children know and love popular, is Marshal H. Larrabee. Mr. Larrabee started Skaneateles Handicrafters in Skaneateles, New York in 1936 after he was stricken with tuberculosis and told to take it easy.

Mr. Larrabee's wife
Elizabeth suggested that he make a wooden train that would be small enough for a child's hands. His toys were soon the hit of the neighborhood. He was so encouraged by the response the wooden train sets received, that he began showing them to department stores. At first he was turned away and then a toy buyer at Marshall Fields, the mammoth Chicago department store, said "she would take all the trains he could make."

After much success
Mr. Larrabee sold his company to Habermass GmbH of Germany and it became T.C. Timber. (It should be noted, that although this company started the "wooden train concept," they are now one of the few manufacturers who doesn't completely conform to what we know as the Vario-System.) Mr. Larrabee's original wooden train sets gave birth to an enduring phenomenon that children continue to love throughout the world! Today, the most famous manufacturer of wood trains is BRIO® of Sweden, and the wooden toy term "BRIO-Compatible" is a catch phrase that means it conforms to the Vario-System.

There is a little more variation in the words on this one, but it is clearly a derivative of my work (and some text from the Technology Alliance of Central New York's Technology Club Newsletter which I fairly used, properly credited, and linked to the original in my writing). The infringer uses the same text, though formatted differently on another page below:

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The following text infringes on my copyright. It is from http://www.woodentracks.com/wooden_toy_train.htm and appears to have been posted sometime in later 2004 or 2005.

----- text at woodentracks.com that infringes on my copyright -----

A Brief History Of Wooden Toy Train Sets
Wooden toy trains have been around since the 1860's, but the man "credited" for creating and making the wooden trains sets that children know and love is Marshal H. Larrabee. Mr. Larrabee started Skaneateles Handicrafters in Skaneateles, New York in 1936 after he was stricken with tuberculosis and told to take it easy.

Mr. Larrabee's wife, Elizabeth suggested that he make a wooden train that would be small enough for a child's hands. His toys were soon the hit of the neighborhood. He was so encouraged by the response the wooden train sets received, that he began showing them to department stores. At first he was turned away and then a toy buyer at Marshal Fields, the mammoth Chicago department store, said "she would take all the trains he could make."

After much success, Mr. Larrabee sold his company to Habermass GmbH of Germany and it became T.C. Timber. (It should be noted, that although this company started the "wooden train concept," they are now one of the few manufacturers who doesn't completely conform to what we know as the Vario-System.) Mr. Larrabee's original wooden train sets gave birth to an enduring phenomenon that children continue to love throughout the world!

The following text is from <http://www.squirreltracks.com/layouts/layouts.html> and was written and copyrighted by me in 2003.

===== original text for which I claim copyright =====

Expand the possibilities for more creative play.

We believe that Accessories and Buildings (and special track pieces like the switches or bridges) are the heart and soul of any train set. They are the launching points for endless adventures and exploration. Your child will come up with all kinds of stories and scenarios based around them and in the process will learn about, and experiment with, everything from social interactions to "city planning" to logistics.

· Accessories and buildings like the Big Train Roundhouse or our Train Station make exciting destinations for creative play.

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----- text at woodentracks.com that infringes on my copyright -----

Wooden Train Accessories
Expand the possibilities with wooden train accessories.
You can expand the possibilities for more creative play by adding wooden train accessories to your child's wooden train set. Wooden

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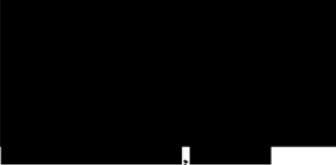
train accessories and buildings, and even special track pieces such as switches are the heart and soul of a train set. They actually can set the theme for the whole set or be used interactively with one another.

Accessories can add

To exciting adventures and different destinations for your child to explore. They are truly the launching points for endless journeys and exploration. Watch as your child will come up with all kinds of stories and scenarios based around them and in the process, will learn great social and planning skills. Their imaginations can only be enhanced with WoodenTracks.com great accessories!

Though this infringing text has been rearranged a little more and punctuated a little differently, it is still clear from such phrases as "expand the possibilities for more creative play", "accessories and buildings, and even special track pieces such as switches are the heart and soul of a train set" and "...child will come up with all kinds of stories and scenarios based around them and in the process, will learn..." that this work was taken from me and infringes on my copyright.

I am a small business owner who has been unfairly taken advantage of for someone else's financial gain. I thank you very much for your time and attention in removing the offending listings from your site.



Squirrel Tracks Wooden Trains
Email: [REDACTED]@squirreltracks.com
Phone: [REDACTED]
URL: <http://www.squirreltracks.com>