

Introduction

The Federal court system is not an option for the copyright infringements that have been destroying my publishing business this past year and forcing me to spend hundreds of hours fighting online infringements. I speak from experience about the Federal court system, having pursued a copyright infringement claim in court for two and a half years starting in late 2005, and learning first-hand about the time, expenses and risks involved.

That case was only feasible because the infringement was published by a large corporation, making recovery of legal fees a real possibility. Even then, I never would have pursued the case if not for the fact that the infringement threatened my whole business model when it was published on the corporation's highly ranked website. From the day Google found it on their website to the day they took it down, my web traffic fell by five hundred visitors a day, perhaps a quarter of my total visitors at that time.

Two Recent Experiences with Published Infringements

How does an author or publisher go about fighting hundreds of thousands of copyright infringements that are largely protected by the DMCA Safe Harbor, not to mention published books and eBooks that infringe on the authors' works? Let me provide a few anecdotes from recent months in which I have dropped all attempts at writing new books in an attempt to fight copyright infringements and preserve the core of my publishing business.

A month or two ago I came across a website that was built entirely of pages stolen from my Foner Books website, with my name and copyright notice removed. That infringing site was also selling an eBook for \$49.95, the table of contents for which looked suspiciously like the eBook I sell for \$9.95. I contacted the site owner, who turned out to be a young American who had purchased the turn-key site (ie, ready to go) along with the "Private Label" eBook from a business in India.

When I visited the Indian company's website, I discovered that their parent company was big enough to claim ISO 9000 certification. This allowed me to e-mail the parent company a cease and desist stating that I would do my best to interfere with their ISO recertification if they didn't comply. They stopped selling the products built from my website and the president sent me an apology claiming that it was all the fault of an outside contractor, after which they replaced my work in their store with work stolen from another American author!

There's no point for me to sue the young man who was innocent enough to believe he was buying a legitimate product that would make him rich. He had also spent over \$1,000 on an SEO service from the UK to create links for him (all worthless) that were supposed to drive his business up the search rankings. Since I made him take down my work, he has no business, and that's enough punishment, but the hours I put into straightening out this one case are lost time for

me and do nothing to solve the core problem. How many other people bought the same package and are selling copies of my eBooks? I'll never know.

In another case last month, I discovered a book that directly competes with my laptop troubleshooting title using material stolen from my website. It was for sale on Amazon, Google Books, BarnesandNoble.com, direct through the "publisher" website and on eBay as well. Amazon and Google Books have efficient systems for removing copyright infringements, so I got those removed first, the infringement on Amazon because it was taking from my sales and the infringement on Google Books for cannibalizing from my web traffic and creating duplicate content problems that injure my site's search standings.

Rather than filing individual complaints with every online retailer that was selling the books, I decided to contact the infringer (who used his real name on the book) directly. When I called the number in Texas associated with the website I spoke to a woman who on hearing my complaint, passed the phone to another person who I believe was a teenage girl based on her voice. She sounded like she was on the verge of tears as I explained to her that the material was protected by a registered copyright, that she would be responsible for court costs if she didn't comply, etc. A little while after getting off the phone, I received an e-mail from her absentee husband in Nigeria, the author's gender hadn't been obvious from the name. He eventually complied by unpublishing the books, but complained that his own sales were suffering from piracy! He admitted that he had been earning money from the books, it came to a few thousand dollars if he was telling the truth, but I felt too sorry for the girl to pursue damages.

Piracy sites driven by file sharing networks (Torrent, RapidShare, etc) have distributed huge number of my books over the years. This started even before I released my own eBook versions, somebody simply scanned the paperback first edition of my PC troubleshooting book back in 2004 and uploaded it to a piracy network. All of these networks hide behind DMCA and links to pirated books are often reposted on the same site within hours of processing a DMCA complaint. This is not a onsey-twosey problem. In one instance, I found a book of mine on a site named Demonoid within a day of it being posted, and not only were there already a thousand downloads, there were over fifty comments posted by different people thanking the individual who posted the file.

Why Web Page Infringements Matter

Let me first take a page to explain my business model and how rampant online theft is destroying it. I've been publishing online since 1995, and the reputation and traffic I built helped me start my own book publishing business while also writing a series of books for McGraw-Hill. My bestselling book for McGraw-Hill, a guide to building PCs, sold over 100,000 copies through four editions and was translated into a half dozen languages.

A bestselling how-to book that has to be updated every 18 months barely pays the bills and offers no future security. So I decided to focus on self publishing with on-demand printing. I

even published a book describing my business model titled, "Print on Demand Book Publishing" and started an Internet discussion group for POD publishers that today boasts 2,000 members. But my primary advocacy for self publishing has been through the blog I've been writing since 2005 at <http://www.fonerbooks.com/selfpublishing>.

My publishing business depends on a website to attract new readers, and I typically publish around 50% of the material from each new title online. These excerpts have been very popular over the years, by January of 2011, my popular pages for computer troubleshooting and repair were drawing approximately 10,000 visitors a day. The published computer books are among the most top hardware titles on Amazon, used in several college training programs and even by the Department of Homeland Security.

But in recent years, the online work was also drawing undesired attention from black hat SEO (Search Engine Optimization) consultants and plagiarists looking for material to draw visitors to their own websites. Up until the beginning of 2011, Google did a good job keeping track of who was the original publisher of content and awarding that website with higher search rankings than the infringing sites.

In February of 2011, Google attempted to depress the rankings of "content farms", websites that posted stolen content or poorly articles in order to attract visitors to online advertising. These sites have long hidden behind the Digital Millennium Copyright Act (DMCA), claiming that the infringements are posted by community members, and that they are protected by the DMCA Safe Harbor. These same sites syndicate the plagiarized material to hundreds or thousands of other sites, all of whom claim DMCA protection, making it impossible for an author to have all of the infringements removed. These websites profit from the advertising sold, while the people posting the articles gain links back to their websites, to build their own standing in search engines.

Unfortunately, in their February 2011 update, since named "Panda", Google lost track of who was the original publisher of much of the text on the Internet. All of a sudden, Google searches for unique phrase from my books or web pages started ranking web pages that were using text stolen from my work before my own pages in Google search results. By the summer of 2011, Google search was reporting that content from my website was showing up in hundreds of thousands of places.

In some instances, my original pages didn't appear in the results at all, even when telling Google to repeat the search with omitted results included. In other words, the hundreds of thousands of infringements had convinced Google that work on my website was not original, or at least, suspicious enough to penalize. So my Foner Books website that I had spent ten years building lost nearly three quarters of its usual visitors, and my book sales suffered proportionately.

Death By A Thousand Cuts

The infringements I gave examples of above are straight forward copying of entire books or whole web pages. Unfortunately, the deeper problem for my business model is the partial takings and the thin rewrites. While the Google Panda update that was supposed to punish websites with copied material had a devastating impact on my 100% original website, I finally discovered through extensive analysis that some pages that been impacted even more than others. It then became apparent that the worst impacted pages, those that essentially dropped out of the Google results altogether, were also the pages had been attacked professionally, picked apart and republished in sections or with minor inclusions or rewordings.

Picture a web page that is a chapter from a published book which consists of thirty or forty paragraphs. The professional thieves chop the text up into pieces of roughly 200 words, maybe two paragraphs per chunk, and then publish each chunk on a free blog site or a free article site as a stand-alone article, with a unique title tailored to attract search visitors. Then they salt those chunks of text with a couple keywords related to a product they are pushing, often a particular laptop battery. The resulting pages are of no use to human beings, but look spot-on to a search engine that is responding to a search request for that laptop battery. In addition to carrying pay per click advertising, these pages include a link to another website owned by the thief, to build up its search engine reputation.

In the most egregious cases, a single individual created hundreds of unique infringements (ie, posted to different blogs and articles sites) from a page on my website, which was then multiplied to thousands or tens of thousands of infringements by syndication. These professional infringements were limited to a handful of my pages related to laptop troubleshooting and repair due to the monetization possibilities for the people doing the stealing. So while fifty or more of my web pages suffered from large numbers of infringements, Google would report 100,000 or more matches for text from the handful of pages that were most attractive to thieves.

While I can easily identify the websites that benefit from the links embedded in all these infringements, I have no way to prove that the pages were posted by the same people, as strong as the circumstantial evidence is. And since they weren't U.S. based businesses, the idea of making some kind of test case of this in the Federal courts was completely off the table. I don't have the ability to do forensics work on infringements that started in 2009 or 2010, and I don't have the ability to take the fight to China or to Russia.

In the end, forced to choose between standing up for my rights and trying to regain my lost business, I'm ashamed to say I decided that it was more practical to reword some of my own pages, rather than spend thousands of hours filing DMCA complaints for infringements that only to the thieves a couple hours to create. Below I show a short paragraph from an illustrated page showing my original text, the infringement which was thinly reworded to appear unique, and finally, my own rewording.

Your laptop goes dead and you don't understand why because it's plugged in. The very first thing you should look for is status LEDs. The transformer brick or power adapter usually has a status led on it to show that it's plugged into a good outlet and is functioning. If the laptop power adapter LED is not lit and the cord is firmly seated in both the transformer and the wall outlet, then the AC adapter is probably bad. But troubleshooting most power problems takes a little more effort. Fortunately, it's also common for the failure to be the power cord itself, as I've noted with some Toshiba models. Many HP and Compaq models use "L" connectors which are less prone to failure, and Sony and Dell cords seem more robust as well, but it's always a possibility. It seems to me I've seen "L" connectors on old IBM Thinkpads as well.

Next a thin rewrite rip-off, including Google ads and the syndication feed:

Illustrated tips on how to repair laptop energy cords



Category Rss Feed - <http://www.superarticledirectory.com/rss.php?rss=32>

By : **Tom Johnson** ★★★★★
Submitted 2011-05-06 18:42:17

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Quality
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Your laptop computer goes lifeless and you don't perceive why as a result of it's plugged in. The very very first thing it is best to look for is standing LEDs. The transformer brick or ac energy adapter usually has a status led on it to indicate that it's plugged into an excellent outlet and is functioning. If the laptop adapter LED just isn't lit and the wire is firmly seated in both the transformer and the wall outlet, then the AC adapter might be bad. However troubleshooting most energy issues takes a bit of more effort. Happily, it's also frequent for the failure to be the ability twine itself, as I've famous with some Toshiba models. Many HP and Compaq fashions use "L" connectors that are much less vulnerable to failure, and Sony and Dell cords appear more strong as nicely, however it's at all times a possibility. It appears to me I've seen "L" connectors on IBM Thinkpads as well.

Finally, my own rewording to regain uniqueness:

One day your laptop may refuse to power on even though the AC adapter is plugged in. You've probably noticed that your laptop features an LED that lights up when live power is attached and the battery is charging, usually on the front of the laptop body. Older power adapters may also have a status LED to show they are functioning. The AC adapter may have failed if it's plugged into a good power outlet and the cable ends are securely seated in both the adapter and the laptop but power LED doesn't come on. Yet it's more likely the failure is the power lead from the adapter to the laptop. Your laptop may use a straight plug, like Toshiba and Lenovo, or an "L" connector like some Compaq and HP models, or a special proprietary design like some Dell and Sony adapter. The straight in power connectors probably have the highest failure rate because the cord often droops at a sharp angle.

Last month, I spent weeks rewording approximately 20,000 words of text from eight web pages, which were full chapter excerpts from my PC troubleshooting book. These pages had been heavily plagiarized, but there was also the possibility of a self inflicted wound from an early attempt to fight piracy websites. In 2009, when I saw Google results swamped with results from piracy sites offering free downloads of my PC troubleshooting book, I decided to try a counter-burn like they do for forest fires out west, by releasing my own free PDF eBook featuring the eight chapters that were already available on my Foner Books website. At the time, this seemed to help as the authorized free copy appeared on piracy networks and probably led some people to purchase the full book, or at least follow links for more information back to my website.

But after Google lost track of where content originated, I realized that my own attempt to deal with piracy might be causing duplicate content problems for my website. So I reworded every sentence of those pages, so that the meaning is the same but the content differs from the existing copies. This is not my idea of a constructive use of my time, but it reduces the amount of content on my website that Google mistakenly believes could be unoriginal, and no publisher who depends on the Internet to find new readers can afford to ignore Google.

I have also filed DMCA takedown complaints for thousands of results in Google's search using their new DMCA Dashboard tool in the last couple months. I want to give Google credit for creating DMCA Dashboard and the fact they often respond to these complaints within 24 hours, as opposed to the month to two months it was taking in the summer of 2011 when I filed complaints with Google directly. In some cases, they inform the offending websites of the DMCA complaints, so the infringement is removed both from the search results and from the web. But thousands the web pages I report to Google will remain on the web because it would

simply take too much time for me to DMCA them all directly. I also want to acknowledge that Google has made improvements (under pressure) in the way they used to encourage users to discover pirated books through their auto-complete feature. Less than a year ago, if you started typing the title of my laptop troubleshooting book in the Google search box, they would suggest a half dozen searches that could only result in piracy websites:



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Today, they've eliminated the most obvious piracy site suggestions. Just six months ago, the top search result in Google for my laptop book was a piracy site, which if you went there and downloaded the book, also tried to infect your computer with a Trojan virus downloader. After multiple complaints and posting a video on YouTube showing this result (you can view that video here: <http://youtu.be/kzp2O3IHtL0>), they finally changed their search order. But when I checked today, January 10th 2012, I noticed that the sixth result in Google search for my book was the Google owned sites.google.com community (Google favors their properties in search results) which sends visitors to download my book from a piracy site! I will take a moment right now and send Google a DMCA complaint.

Conclusions

Independent authors throughout the country are experiencing problems similar to mine, though the severity is closely related to the commercial potential of the work. When I started my Foner Books website back in 2000, the first pages I posted were English translations of my great-grandmother's groundbreaking Hebrew fiction works. Not surprisingly, nobody has ever infringed on those pages. But my bread-and-butter work on computer troubleshooting has attracted huge numbers of infringements, due to its suitability for monetization through Internet advertising, and sadly, it has also been used as a lure to attract people to sites that infect their computers with viruses and malware.

There's nothing anybody can do to prevent copyright infringement on the individual level. The target for copyright law and enforcement mechanisms should be the business of copyright infringement. I'm sure you'll be receiving plenty of comments about the file sharing networks that enable the distribution of illegal copies of movies, music and books, so I want to concentrate on the less romantic subject of professional SEO (Search Engine Optimization) infringements.

There are two ways for an author to attempt to defend online works. The first is to send DMCA complaints to each and every infringer, and the second is to try to prevent discovery through having the results removed from search engines. There are far too many infringements on my work for me to pursue every website involved. Currently, my focus is almost entirely on the latter, and I've submitted thousands of infringements to Google for removal from their search engine.

If there were a mechanism through which authors and publishers could submit their websites to Google and Microsoft, which runs Bing and Yahoo search, for registration as the authoritative source, I would even be willing to pay a fee for the service. In return, I would expect the search engines to refuse to index web pages from other sites that used substantial amounts of the same text, and to flag as suspicious sites that include a large amounts of duplicated content. What Google attempted last year was to make these decisions without the benefit of inviting publishers to register their content first, and they ended up doing more harm than good.

I understand that the goal of Google and Microsoft in indexing the Internet is to fully automate the process and not get involved in dealing directly with publishers. While this has worked out phenomenally well for their profit margins, it's done unmeasured damage to copyright holders and the people who create the content that make the Internet worth indexing.

The search engines have become the infrastructure of the Internet, the equivalent of the phone company or cable company in the bricks-and-mortar world. Yet Google offers no direct communication path for publishers, no phone number, no e-mail with an individual answer, not even a pay-for-time option. It suits their purposes to pretend that these problems don't exist or are minor until forced to take actions by public outcry or legislation. Intellectual property rights have

become inextricably entwined with search engine functionality, and it's time the search engines acknowledge this and start working with the publishing industry to solve these challenges.