

## etoy

It was a precedent-setting case for the Internet: *eToys*, the US-based online toy store, sued the European Net art group *etoy* on November 1, 1999, for alleged infringement of its trademark rights. According to the company, the Internet address *www.etoy.com* was too similar and could lead to confusion. A court in California took on the case even though *etoy* had registered its domain name as early as 1995 while the company *eToys* wasn't founded until 1997 before setting up its Web site in 1998. In January 2000, after a hefty confrontation, the two parties settled out of court. *etoy* got its Internet address back after it had been blocked by a court order for months.

There had never before been anything like the campaign on behalf of *etoy* that led up to the settlement. For weeks, Net activists bombarded *eToys* management and employees with email, brought the company Web site to its knees by sending it endless requests, placed fake orders and even tried to hack the company's server. The mobile phone number of the company spokesperson circulated all over the Net and countless volunteers set up Web sites publishing material they'd gathered against *eToys*.

The commotion led to negative stories on *eToys* in the financial press. During the legal proceedings, the price of shares in the company fell from over 60 dollars in November 1999 to 17 dollars per share in January 2000. *etoy* celebrated their win with a "Victory Parade" on the Internet and announced that everyone who had supported them during their confrontation with the American company were now shareholders.

For although *etoy* is a group of artists, they present themselves in public as a publicly traded company. On their Web site, they play with a form of self-representation resembling that of an internationally active corporation. They sell "art shares" and on one occasion, during a press conference, they sold shares to former Austrian chancellor Viktor Klima.

At the same time, their work also addresses the fears of Net users. Even their very first work, *Digital Hijack*, must have been quite disturbing for many Internet surfers. In 1996, anyone who typed words such as "Madonna" or "Playboy" into search machines like *Yahoo* or *Altavista* received links to a Web site with the name *hijack.org*. Whoever clicked didn't find at all what they were looking for; instead, they were in for a real scare. Thousands of "hijacked" Web surfers found themselves at a blinking page with the text: "You have been digitally hijacked by the organization *etoy*. Don't fucking move."

And indeed, you couldn't "move" even if you wanted to. Without being able to do a thing about it, you were taken from one Web page to the next. *etoy*, at the time a seven-member group comprised exclusively of male art students, received First Prize in the "net art" category at the media arts festival *ars electronica* for their feat of digital kidnapping. At the festival, which takes place in Linz, Austria, the self-proclaimed "first street gang on the information superhighway" drew the crowd's attention with their orange uniforms, shaven heads, mirrored sunglasses and laptops. To this day, there's a certain secretive aura surrounding the members of *etoy* who only appear in public with their identities shrouded behind names such as "Agent Gramazio."

In January 2001, one year after the legal battle was settled in their favor and the following interview was conducted, *etoy* turned the tables and sued *eToys* for trademark infringement. But the legal process could never take its course — a few weeks later, *eToys*, like so many other dotcoms at the time, was forced to declare bankruptcy. On its Web site, *etoy* published an obituary for the company in which they offered *eToys* CEO Toby Lenk a position on the *etoy* board of directors. Whether or not Lenk accepted is unknown...

Tilman Baumgärtel: The case brought against you by *eToys* caused quite a stir. It wasn't just that *etoy* received tremendous support from the Net art scene. *CNN*, *The New York Times* and much of the financial press covered the case as well. What's your assessment of the situation now that you've beaten a large Internet company in court?

"Agent Gramazio": We're media artists who work with information viruses. So, for us, this case was the perfect field of operation. We were able to pack all the themes we've worked with into this case. Actually, you couldn't have painted a more beautiful picture. Like us, *eToys* is a "zero gravity" company...

Tilman Baumgärtel: A what?

"Agent Gramazio": In essence, they only exist on a Web site, so in that way, they're similar to us. We're really only a name. And *eToys*, too, has only a business name, a listing on the stock exchange and this Web site. Everything else, the delivery system, for example, is carried out by other companies. They don't have anything, not even real estate, because they consist only of money, or rather: of promised money. And that's the new model of business. So such a company is naturally quite open to attack. If a company like that doesn't secure its name on the Internet - it's almost as if *Shell* were to run out of oil.

Tilman Baumgärtel: It sounds as if you actually feel quite close to *eToys*. And indeed, you present yourselves as a company. You have a "corporate identity," you've registered your name as a brand and you even sell your own "art shares"...

"Agent Gramazio": Sure, we understand them very well, but they've never understood us. Now that the trial's over, we could become business partners...

Tilman Baumgärtel: Would you run ads for *eToys* on your site?

"Agent Gramazio": No, not that. Though, if they paid 20 million dollars, they could advertise on our site. They'd be making themselves so laughable that we could base a project on it. (laughs)

Billions are tied up in *eToys*. At the same time, they have to put on a fun face in order to sell their toys. They present themselves as these great creative guys from California -almost like artists. We're actually the artists, but now we can present ourselves as the hardball business driving everyone else into the ground. These are fascinating gray areas because they blur the lines between art and business.

Tilman Baumgärtel: That's precisely a rather common critique of Net artists: that they're merely warming over concepts from the 80s when they present themselves on the Internet as if they were a company or some other institution.

"Agent Gramazio": I don't think so. In the 80s, it was just a game. Now comes the reality. The borders between real companies and such "art companies" are completely obscured. We engaged in a real power struggle with *eToys* -and won.

Tilman Baumgärtel: One of the early *etoy* slogans was "Leaving Reality Behind," that is, to get yourself up on the Net and to be active only online. These maxims aimed to poke fun at the cybermyths of the mid-90s. Could it be said that with this *eToys* case, reality has caught up with you again and that the rules of the "real world" apply once again now on the Internet?

"Agent Gramazio": I wouldn't put it that way. Back then, we were operating with the slogans in a very particular way. It wasn't satire, but it was always a particular sort of performance. It was always a total design. For example, this playing with the idea of agents. On the one hand, we talked about the "emigration to the Internet," but at the same time, we had this super-physical, aggressive appearance. Of course, we weren't really aggressive, but that's what the image was getting across. At one conference,

seven agents suddenly appeared, all of them with closely shaven heads, and no one was sure what that was all about. And these agents weren't just there for two hours, but for seven whole days. It was pretty extreme, and that was part of our success. No one else did anything like it.

Tilman Baumgärtel: What exactly was radical about it? You didn't do anything aggressive or illegal.

"Agent Gramazio": No, we can't afford to as a company.

Tilman Baumgärtel: Could it be said that all these activities are symbolic or semiotic?

"Agent Gramazio": We don't want to be coded. We're not Net activists, we're not hackers, and we're not skinheads. You can't peg us; that's our main quality. It's not really clear what we are. It's these uncertainties that arouse aggressions, and it's the aggressions that make it all interesting.

Tilman Baumgärtel: At the same time, *etoy* has always been one of these guys projects. It's always been these strapping young men, in the photos of you as well, and you've always worked with martial metaphors: uniforms, violence, a private army, playing war games. That's even carried over in the domain name "toywar"...

"Agent Gramazio": We don't have anything against women. What you're talking about has changed over time since we haven't had to present ourselves so rigidly. Women are on board now, too. We could have invited a woman back then, too; there was no ideological border involved. But at the same time, we didn't feel any pressure to do so just to be good. We have to push metaphors along a border between "really cool" and "extremely uncomfortable." It has to be *too much*. It has to go so far that people start looking away, that a chill starts building up in the room. In our view, most Net art doesn't do that.

There are also very rigorous marketing concepts behind it. After *Digital Hijack*, we might have written a theoretical text about space and location in cyberspace. That would have pissed off most people, or they would have read it and thought, "Yeah, these people are pretty clever." But we decided to write "Don't fucking move!" and show a guy with a bomb. These are elementary reactions that we're putting into play here. We saw this with the whole *WTO* situation as well. There's a great uneasiness in the USA right now anyway, and that overlaps somewhat with the Net scene...

Tilman Baumgärtel: ...because the wild anarchic days of the Internet are over...

"Agent Gramazio": Right, and because the brave new world has been bulldozed over. The people themselves have the impression that they don't exist anymore, that they have no meaning anymore. So this is followed by a sort of demonstration effect. People go out on the street and throw stones, just for the sake of throwing stones. It's not always the right thing to do, but the fascination is there. And we threw digital stones.

Tilman Baumgärtel: Of course, there's a pretty strange romanticism behind it...

"Agent Gramazio": Sure, you have to read around a bit in *Toywar*, the Web site we did on the conflict with *eToys*. Anyone taking part could write their opinions there, and there's this whole martial rhetoric, there's this community feeling and there's a common enemy. Of course, it's something like a sand box that we've built up there. We're playing with it on one meta-level. We're less interested in what comes of it than in what it means. Does confrontation with such things create a paradigm shift in Net art? Or will this be an isolated event?

Tilman Baumgärtel: Ultimately, as you say, *etoy* is a virtual company and this whole performance is above all a semiotic operation. Could you say the same thing about *etoy's* other activities – that they're always fundamentally just a manipulation of signs?

"Agent Gramazio": Sure, we only work with signs. Ok, sometimes something has to happen after all, for example, with the "Television Hijack," when we forced our way into the studio during a live broadcast on Swiss television. That was a very physical action. But what we're interested in is what happens afterwards: what's in the papers, how it's reflected in the media.

The *Digital Hijack*, too, was an operation with signs, and again, nothing illegal. We've always emphasized that it was legal. Of course, it's important that it brushes up against that fine line of legality. But when you take a look at the actions themselves: We've reworked search engines so that when people run a search on "Porsche" or "Madonna," they end up on one of our pages. There was a link that didn't show a Porsche, but was simply called "Porsche." And it was placed there, hidden, by *etoy*. And when you arrive at this Web site, there's an agent telling you, "Don't fucking move!". There's this whole choice of words which is very aggressive, which plays with associations with hijackings, terrorism and so on. It was a game that played with the emotions - like in a Hollywood film, which is also not illegal.

Because of *Digital Hijack*, the CIA paid us a little visit and looked the whole thing over. That, too, was perfect. They'd been tipped off and set the Austrian federal police into action. They had no chance and didn't represent any threat whatsoever. There were two or three officers with typewriters. We had a good lawyer and handed banana boxes full of diskettes and other material over to them. We were thoroughly cooperative. They saw this immediately and dropped everything. If no one's losing any money and there are no bombs involved, they just drop it. They're overwhelmed. But it proves once again that there's a certain power to it.

Tilman Baumgärtel: Could you say that the CIA fell for your artistic methods just as *eToys* did?

"Agent Gramazio": Yes, and actually I expected more of *eToys*. I thought they'd know the Internet better. But they managed to set the entire Net community against them. They didn't understand that the Internet is not a shopping mall. It's also not a huge desert where you go to pump oil and shoot all the Indians that get in your way. The whole thing showed that *eToys* didn't understand the Internet, and that's the greatest damage that was done to them.

Tilman Baumgärtel: At the same time, the price of their shares plummeted on the market. Do you see a relationship between the fall of *eToys* stock and the case the company brought against *etoy*?

"Agent Gramazio": That's hard to say. All these stock market stories have so much to do with psychology. In the meantime, *eToys* stock has fallen below its nominal value, which really is tragic. The case surely didn't help the stock. At the same time, there was something about the case they'd brought against us every couple of days in important papers like *The Washington Post*, *The New York Times* and in the financial press. When investors pick up on the fact that something's not quite right and that that something is the very name, they sell. And the more people sell, the greater the panic that breaks out. That's the only way I could explain why the stock has fallen so low.

Tilman Baumgärtel: Do you view your activities in this case as art?

"Agent Gramazio": In the last few months, our art has taken place in the court room and in the papers. There are two directions in Net art: things like what *(R)Tmark* and we do that work with masses. And there are abstract constructions that reflect the medium...

Tilman Baumgärtel: Who or what do you have in mind?

"Agent Gramazio": I don't want to drag anyone's name through the mud. But we have a tough time with most of these things...

Tilman Baumgärtel: Why?

"Agent Gramazio": Because it's not relevant. When it's on exhibition somewhere and you can get involved with it, it might even be clever. But it has no effect on society. I think that with things like the *Hijack* or the case against *eToys*, we've broken out of the art ghetto. That was also the reason why got involved in this insanity. *eToys* offered us 400,000 dollars for our Internet address. Almost all our friends back then told us to take the money and quit. It was thought that otherwise we'd have to pump hundreds of thousands of dollars into the trial and then get beaten up in some back alley because that's the way things go in America. But we pushed on anyway because, for us, it was an opportunity to expand the term "art." And in a way that everyone would understand.

Tilman Baumgärtel: Is it important to you that your art is generally understood?

"Agent Gramazio": Yes. Art has to have an impact on society. Art has to confront the most important issues of its time. We deal with shares, with the stock market and with big corporations because it's the most relevant theme of our time – maybe not in Europe yet, but definitely in America. In the USA, you've got TV commercials showing how old people can trade stocks on the Internet. You see how an entire social system works, or wants to work. These are issues that are on the news and have to do with whether or not people are going to have something to retire on or whether or not the whole economy is going to collapse. And that's intriguing. That's reality.