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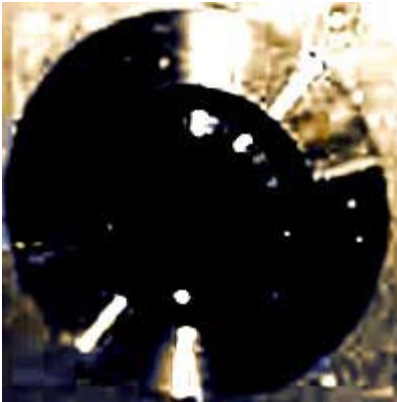
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## Interview with etoy - part 1

Gerri Wittig on Jan 20 2000

issue 13

### Switch interviews etoy.PRESS-SPEAKER - part 1

Although it may not have reached the media saturation of the millennial spectacles that unfolded around the world and across our TV screens this past New Year's Eve, the etoy vs. eToys precedent setting lawsuit definitely produced a notable display of fireworks across the media landscape during the final month of 1999. It erupted with particular intensity across our computer screens - the windows into the cyberspace that this situation has such potential to impact. Victory was at hand, on January 25, 2000, when eToys agreed to drop the suit and reimburse etoy for up to \$40,000 in legal fees. etoy, along with the myriad activists and supporters who took to the TOYWAR battle field, prevailed in the struggle of the rhizomatic, decentralized Internet community vs. the overwhelming forces of e-commerce that have taken the net by storm.

For a comprehensive listing of media coverage go to:

[http://dmoz.org/Society/Activism/Media\\_Activism/Culture\\_Jamming/etoy/Media\\_Coverage/](http://dmoz.org/Society/Activism/Media_Activism/Culture_Jamming/etoy/Media_Coverage/)

Following is an interview with the etoy.PRESS-SPEAKER, which took place during the heat of battle on 12/10/99.

etoy.DISCLAIMER: this interview was recorded over a bad TCP/IP connection in the middle of the night between 01:00 and 04:00 GMT+1 on December 10, 1999 after a six hour meeting with the etoy.LAWYERS in Switzerland and 12 shots of nitrous oxide. The etoy.PRESS-SPEAKER accepts no liability for mistakes and sentences that don't make sense.

Gerri Wittig: etoy's now in its seventh year - any seven year itch?

etoy.PRESS-SPEAKER: Could you explain this term? I'm not familiar with this.

GW: I wasn't sure if that was just an American term. It's a term that especially applies to marriages, but it could really apply to anything. It's the idea that there's a certain cycle, or a tendency at seven years, for people to get bored with something and want to move on.

etoy.PRESS-SPEAKER: We've always had huge changes in the operation. It's actually difficult to say when the seventh year is. etoy was founded in October 1994, but there was a pre-history. There was a time before the official founding, when a few people started to prepare the operation and started to operate under different names. So it was 1992 when the whole thing started in some capacity, but in 1994 it became etoy. Of course we've always had changes in the group and in the concept of etoy, so 1992-1994 was something like a pre-etoy era. Looking at it in a timeline format, the years from '94 to early '97, could be called the hijacking period. We did the digital hijack and also other hijacks. There was the television hijack, when we hijacked a television show in Switzerland with lots of television viewers. There were 1.8 million viewers when we hijacked the television show there. We just jumped on the stage and were talking to the show master about the Internet. After 10 seconds, the agent who did the hijack left the stage and the show master was left alone to wonder what had just happened. After the hijack we had the first sort of crash. We had problems in the crew because there were different ideas to go on, so

there was something like a crash. At this point we concentrated on our internal operations. It was during this time period that we started to develop the database work you were interested in. We developed internal office structures, in the etoy style, not standard solutions. More like absurd, very surreal, internal platforms to develop things. And we had the idea that if we developed a very, very strange, special and experimental working environment, then this would lead to another aesthetic and new ideas. Because we are convinced that the environment you work in is responsible for your output. We invested a lot of time, energy, and money into these things and a lot of people didn't understand that. They wanted to see us hijacking forever, because it was funny. This was a hard time, because we didn't have a lot of surface. Lots of people were waiting for our next super product and heist, but we were totally focused on internal strategy. And of course for a long time we didn't show these things to people - for about a year. I mean we had one show in Budapest, which was very good, but it was a preview or very early idea of what we will release in a few days or weeks, which is called TOYWAR.com. This is a very database oriented project. It's the domain, which is presently for the resistance. Right now it's just a platform to allow people to subscribe, so we can collect addresses and communicate about what's going on. But this will change as soon as TOYWAR is released. We will release sort of an action entertainment game, which is a multi-user game. People are part of a huge battlefield, where they can fight against eToys Inc. People will have their own character and will have an income - if they work hard they get etoy.SHARE options. They will also decide what's going on - what the next step will be, because the shareholders will decide whether to sell etoy or not.

GW: How long have you been developing this? I mean it seems like you must have accelerated the development because of everything that's happened in the past month or so. Were you planning this back in September when the lawsuit first happened?

etoy.PRESS-SPEAKER: No, as I told you we started to do something that was called "protected by etoy" and we released a very early version in Budapest. We showed it there, but it was a really early test. We had the show in a gallery and it was a one night event that was organized like a party. People were invited to the party and at the moment they entered the gallery, they had to pass a special desk where they had to log in. They had to leave their names and fingerprints to register. The whole thing turned into a huge database - the whole party was represented on a database and we were thinking more of the database aspect, than what was going on at the party. It was more important for what was going on on the computers. Every person was represented. There were screens in the gallery space and projections, so people could see themselves represented as numbers. They all had a special event number and they could see them moving in these projections. The interesting thing was that it was called "protected by etoy" it was a whole absurd surreal protection situation. People always had to walk in and identify themselves. If they didn't do that there were alerts and special etoy agents knew when an alert started, which number hadn't logged in and we would remove this person from the gallery space. There were people with cars outside waiting who brought these people to another place - they were removed. An interesting thing was people had to consume nitrous oxide and we were following their behavior. It was really interesting. On the database and the projections you could see how many shots or how many injections a person had had. We could see which people didn't take any shots, or which people abused the stuff and got addicted to it. We had control over a combination of factors. So this was just a test to see how we could visualize a community or an amount of people doing something. Of course database stuff is often a little bit boring. So we usually add something spectacular or dangerous, so people are then really interested in the information. Because information alone is often boring, unless you're perhaps an expert who is interested in statistics, but we found out that people are not usually interested in that. So we usually try to connect it to some kind of interesting topic.

This was a show we did in return for our time as artists in residence at the Center for Culture and Communication in Budapest. It was good as an interesting research event, but we are more interested in the Internet, so this was kind of a test area.

GW: And this research fed into TOYWAR.com?

etoy.PRESS-SPEAKER: The TOYWAR project has some roots in this idea, but of course it's a totally different story. From a technical side there are a lot of ideas which we could transfer into the TOYWAR project. TOYWAR doesn't have a physical presence - it's Internet based, which is very important because it has allowed for a resistance community from all over the world to join and subscribe. There are many hundreds of people subscribing at the moment and they are all located in different cities.

So yes we started to program and work on this back in '97, but of course during the last few months we saw that this lawsuit was coming. It's very difficult because we can never really make any forecasts because it's always changing. It depends on the court decisions, it depends on the attorneys, on the enemy's attorneys and it also depends on our attorneys - we cannot make a forecast for any situation, so it's very flexible and it's always changing. But we saw that this topic has the potential for a huge impact, because the whole lawsuit is

really a precedent setting situation.

GW: Right - I was going to ask you about that. Does etoy embrace that precedent setting situation - in that it's actually possibly a good thing in terms of your legacy, because you could become part of something that sets a legal precedent.

etoy.PRESS-SPEAKER: Yeah - of course that's important. It's a complex thing. As I mentioned before, it's so complex - the good and the bad things are also blurring the lines between all these aspects. On one side it's a real problem - it's a real unfair thing that's going on, because it's just stupid and ridiculous. And we hope that this will turn around as we enter another court and find judges who will really have a look at this situation and they will find out that we really have priority rights.

GW: How is it that a U.S. court can have jurisdiction over a European based operation?

etoy.PRESS-SPEAKER: That's just because the Internet is global and the office that manages the .com domains is also in the United States. Of course they tried to stop the whole share thing, but they can't stop it because we can do it in Europe. But they forbid us from selling shares in the U.S., especially not in California. But the Internet domain, is the biggest problem for eToys Inc. - they say we're interfering with their American trademark. They say it's a violation of trademark law. That's not true, that's the biggest part here, the most important part, because also in trademark law we are not wrong. We also have trademark rights. They came up with another company that they say is older than we are, but no one can prove it up to this moment and it really looks like they are just using this argument to destroy us on a financial level. Because it takes a long time until the situation is that far, that developed that the courts can really analyze the actual situation, who was there when and so on. That happens at a later stage and it's very expensive to get there. They just speculate that we cannot really survive up to that moment. It's really a strange situation. They also say they bought this trademark from another company, but they just bought it this year, so it's really strange.

GW: The next hearing is scheduled for December 27th, which seems very convenient since it's two days after the Christmas shopping season ends. What's going to be taking place during that hearing, what's the next step in the litigation? (This hearing was actually postponed until January 10, 2000.)

etoy.PRESS-SPEAKER: Right now we are checking, because it's such a bad thing as you said that they scheduled the next court date between Christmas and New Year and it's just impossible to get flights for this date. Of course you can go to L.A., but it would cost us at least \$2000 a person to go there. Also all types of holiday obligations are coming up, so it's the worst date you could set for such a thing when you have international people involved. What we heard from the last court hearing was just insane and ridiculous, they just listened to the attorneys for a short while and then the judge took out a prepared statement and signed it and that was it. There was no chance to do anything. The next court date on the 27th, the same judge will be hearing this. This is really bad, but that's not the end of the story of course, it's just another thing. There are many articles hitting the newspapers and the Internet at the moment. There is a huge resistance community preparing for a fight against them on all types of levels, a lot of levels that we have no influence over. I mean we definitely would not hack their system or anything like that. Some people expect that from us, they say, "hey you can hack them." We definitely wouldn't do that we are not stupid or naïve. If we hacked them, we would end up in jail for sure. If they can take our domain with such a bad legal background, they can also put us in jail the next time we arrive in America. So we are careful, we don't do anything illegal - we never did. The hijack was not illegal. But of course with this whole media thing, they provoke a lot of people who have really bad ideas, sick dreams, some of these people send these dreams to us or these ideas that they have. And we can just feel that if they go on like that they have to be careful that their company is not going down. Some people told us that they will fail if they go on with this thing, because they rely completely on the Internet. If their servers are not working during the Christmas season, no one will go back to this shop anymore. If their servers are not working for a few days, it can be millions and millions in lost revenue. That's the good thing, they can be hurt by bad public opinion. On one side they can attract bad people who can hurt them and on the other side their customers get angry and don't buy there. Of course, their big, big business has not yet been established. Last quarter they lost 40 million dollars. They don't have a huge income, but of course it's all projected in the future. They hope to win all the customers who do their shopping there, but if they have a bad image, they will not be successful. Especially in this market, in the children's toy market they rely on a good image. That's our insurance. That's the thing we can use against them.

GW: There's been a resistance movement from the artworld and etoy fans that has rallied and it seems like there's an alliance between etoy and RTMark - it looks like RTMark is in part sponsoring TOYWAR.com. So I'm interested in your relationship, because at Ars Electronica you presented them with a sizeable contribution. Do you see your relationship maybe analogous to something like Microsoft and Apple and are there any plans for any

hostile takeovers?

etoy.PRESS-SPEAKER: Of course we are playing around with these aesthetics because there are many net artists out there, but RTMark is probably the closest to us in terms of the ideas and inspiration behind the concepts. We really like their way of operating and we feel really close to each other because of this corporate style and stock market idea. They came up with these mutual funds and all that type of thing and that's a really smart and important thing. Because we think that's more interesting than just the formalistic or abstract visual approach. One of the biggest impacts is this huge change in the financial world - all these Internet startups and not just the isolated companies, also the whole way they are traded. The classical stock market is disappearing and it's all done on virtual stock markets like the NASDAQ. People can interact really fast and it's somehow interesting that the dealers in between disappear somehow and it's also not true that people have that control . It's a very strange gambling thing that's going on and it's not so clear what kind of goals or what the result of all this will be - will it be a huge fucking crash or what? Because a lot of these companies really gamble, definitely gamble around the money of other people. But it has a huge impact on what we are surrounded with. For instance as artists or as people who work with technology, and nearly everyone has to work with technology on some level today in our world where we live; I mean Europe and America. I'm not talking here about other areas like Africa where it's another situation, but our culture is totally defined by all these tools that these corporations produce. We don't say that all these corporations are bad or good, but we want to use this kind of thing as a topic as artists, we think it's much more interesting than all the other things which are going on. So from this point of view, it's logical that this whole lawsuit has a good impact on the whole world, because somehow it makes it intense and a lot of people are now trying to understand what the whole etoy.SHARE thing is as an art piece. Before it was just a diagram and people thought - "yeah it's a diagram and it doesn't interest me because I don't know how to read the diagram or it's just like some type of stock market thing and I'm not interested in that. Art should be more fun or more intense or have more intention." Like a good movie or something. I mean the hijack, our first so to speak hit was interesting, because it worked with action elements, media hacking ideas, friendly abuse of the internet and search engines, that are boring on the first glance. Now that the whole share concept has also turned into something that is intense, that can produce tension, people are following the value and the crashes and the rising of the share value. Did you follow the community effect during the past few days - there is a huge community which is mailing, people are mailing to each other, to the press, to the eToys CEO and they are always making comments on the stock market? Did you follow the stock market in the last week?

GW: Yes, I've been following the discussion on Rhizome and the eToys share value.

etoy.PRESS-SPEAKER: Just now eToys lost again, they've been losing money and it's really interesting, people are totally excited by that. We think that it's a good thing that's happening, because these topics enter art.

The etoy.SHARE-VALUE gets compared to the eToys value on the NASDAQ which is absurd, but exactly the type of thing we wanted. It's a twisted story about value, about revenue, cultural value, and Internet companies. Our idea and concept is to make people think about these things. We produced an insane story placed in this stock market world, which is if you take a close look, as twisted as the etoy.REALITY. eToys lost much more in a few months - about 10 million - than we lost. Both corporations are just brands with projected values of huge revenues somewhere in the future - it's a cool plot. Even if they cause a lot of damage to our system at the moment, we think that we can turn the situation around and make a very interesting media "art play" out of this. Because they've put a lot of money into this (estimates are about half a million dollars since the beginning) it is really intense.



## ::CrossReference

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