



Google AdWords Will Soon Hit Australia, Brazil, China and a Country Near You

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April 16, 2013
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Brand owners should take heed of an upcoming change in the online advertising policy of the world's most popular internet search engine. Google has an AdWords program that allows advertisers to pay for keywords, including the brand name of third parties, that can trigger sponsored advertisements to appear on the search results and other services of Google. This program does not currently extend to **China, Taiwan, Hong Kong and Macau, Australia, New Zealand, Brazil and South Korea** (the "Territories") but that is going to change soon because Google has decided to unify its global AdWords Trademark Policy. A copy of the policy can be accessed [here](#).

From April 23, 2013, advertisers will be able to target online users of Google's services in the Territories with advertisements triggered by AdWords that they have paid for. In addition to trademark owners, legitimate trade competitors, copycats or even counterfeiters are expected to take advantage of this liberalization of the AdWords policy and put up predatory advertisements in the Territories to draw potential customers to their websites rather than that of the relevant brand owners.

Though it has been criticized by brand owners around the world as a service that facilitates trademark infringement, the AdWords advertising program has rarely been successfully challenged. Google takes the position that "people searching for one brand of product should be able to easily find information about products from similar brands to make informed decisions."

Brand owners should be concerned about this change in AdWords policy because Google is by far the most popular online search engine, commanding 67% of the global internet search market share. The Territories are among the fastest growing economies, and some of those jurisdictions, particularly China, have very high trademark piracy rates.

To preempt any potential abuses of the liberalized AdWords policy in the Territories, brand owners should consider taking proactive measures to protect their names and trademarks on this online platform, for instance, by creating their own AdWords campaign, familiarizing themselves with the AdWords complaint procedure and setting up mechanism to monitor unauthorized use of their trade names and trademarks either as keywords or in the text of online advertisements on Google's services in the Territories.

If you would like to receive more information on this topic, please contact us or a member of our Intellectual Property Practice Group.

Attorney Sherry Zeng provided significant assistance in the creation of this article.

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