United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97118795

Mark: BL

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Reference/Docket No. 1383-Bell

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NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within <u>six months</u> of the issue date below or the application will be <u>abandoned.</u> Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: August 27, 2022

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a),

2.65(a); TMEP §§711, 718.03.

SEARCH OF USPTO DATABASE OF MARKS

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

SUMMARY OF ISSUES:

- Amended Identification of Services Required

AMENDED IDENTIFICATION OF SERVICES REQUIRED

A written application must specify the particular goods and/or services on or in connection with which the applicant uses, or has a bona fide intention to use, the mark in commerce. 15 U.S.C. §§1051(a)(2), 1051(b)(2); 37 C.F.R. §2.32(a)(6). To "specify" means to name in an explicit manner. TMEP §1402.01. An identification that fails to identify the goods and services with specificity is indefinite, either because the nature of the goods or services is not clear or because the wording is so broad that it may include goods or services in more than one class. *Id.* The applicant must identify the goods and services specifically to provide public notice and to enable the USPTO to classify the goods and services properly and to reach informed judgments concerning likelihood of confusion under 15 U.S.C. §1052(d). *Id.*

In the present case, the following entries in the identification of services in International Class 35 require clarification:

- Marketing services in the nature of Internet marketing services including all methods of bringing traffic to business websites and mobile applications including designing, optimizing, and managing all types of Google AdWords pay per click (PPC) campaigns;
- email automation (marketing) campaigns, conversion rate optimization (CRO) including site architecture and landing page analysis;
- search engine engineering services (SEO);
- and all non-Google PPC advertising campaigns targeting popular desktop and mobile operating systems;

This wording is indefinite, as an initial matter, because it appears that applicant has incorrectly used semicolons to separate wording that should be separated by commas. By doing so, applicant has separated what appear to be related internet marketing services into multiple, separate services.

Applicant must correct the punctuation in the identification to clarify the individual items in the list of services. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01(a). Proper punctuation in identifications is necessary to delineate explicitly each product or service within a list and to avoid ambiguity. In general, **commas** should be used in an identification (1) to separate a series of related items identified within a particular category of goods or services, (2) before and after "namely," and (3) between each item in a list of goods or services following "namely" (e.g., personal care products, namely, body lotion, bar soap, shampoo). *Id.* **Semicolons** generally should be used to separate a series of distinct categories of goods or services within an international class (e.g., personal care products, namely, body lotion; deodorizers for pets; glass cleaners). *Id.* Thus, applicant should replace the semicolons in the

wording with commas, if appropriate, or rewrite the identification with the semicolons deleted and the services specified using definite and unambiguous language.

This wording also requires clarification because the term "including" appears twice. The wording "including" in the identification of services is indefinite and must be deleted and replaced with a definite term, such as "namely," "consisting of," "particularly," or "in particular." *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03(a). The identification must be specific and all-inclusive. "Including" is an open-ended term that is not acceptable because it fails to identify specific services. *See* TMEP §1402.03(a).

This wording must also be revised to remove references to third-party registered marks. The wording "Google" in the identification of services is a registered mark not owned by applicant; accordingly, applicant must amend the identification to delete this wording and, if not already included in the identification, provide the common commercial or generic name of the services. TMEP §1402.09; *see* 37 C.F.R. §2.32(a)(6); *Camloc Fastener Corp. v. Grant*, 119 USPQ 264, 264 n.1 (TTAB 1958). See, e.g., attached U.S. Registration No. 4168118.

Identifications of goods and/or services should generally be comprised of generic everyday wording for the goods and/or services, and exclude proprietary or potentially-proprietary wording, such as a registered term. *See* TMEP §§1402.01, 1402.09. The misspelling or phonetic equivalent of a registered mark should similarly be excluded, unless it is the common name of the goods and/or services. TMEP §1402.09. A registered mark indicates origin in one particular party and so may not be used to identify goods and/or services that originate in a party other than that registrant. TMEP §1402.09 (citing *Camloc Fastener Corp. v. Grant*, 119 USPQ at 264 n.1).

In addition, the wording "search engine engineering services (SEO)" appears to be a scrivener's error. The acronym "SEO" is commonly used to denote "search engine optimization" services. See attached definitions from American Heritage Dictionary and Wikipedia. Further, the wording "search engine engineering services" is indefinite and potentially overbroad. To the extent that applicant provides search engine optimization services, applicant must revise this wording accordingly and provide additional detail as to the purpose of the optimization services to ensure proper classification in International Class 35 (e.g., "for sales promotion," or "for promoting the websites of others"). To the extent that applicant "engineers" or creates search engines for others, this service appears to constitute a technological service in International Class 42. *See* ID Manual, Term ID Nos. 035-2590 (explaining why the entry for "search engine optimization" was deleted), 042-1396 (listing "Provision of Internet search engines" in Class 42).

For each instance requiring additional clarification, the examining attorney has provided an example of an acceptable amendment below. If the suggestions below are not accurate, applicant is encouraged to use the USPTO's online Identification Manual (see ID Manual link below) to search for acceptable wording to properly identify the intended services.

EXAMPLE IDENTIFICATION OF SERVICES: The following is an example of an acceptable identification of services that applicant may adopt, if accurate (additions in **bold** and deletions in ~~strikethrough~~).

Class 35

Marketing services in the field of web site traffic optimization; Marketing services in the nature

of Internet marketing services ~~including all~~ **being** methods of bringing traffic to business websites and mobile applications ~~including~~**, in particular,** designing, optimizing, and managing ~~all types of Google AdWords~~ pay per click (PPC) **advertising** campaigns~~;~~**,** email **marketing** automation ~~(marketing)~~ campaigns, conversion rate optimization (CRO) ~~including~~ **through web**site architecture and landing page analysis~~;~~**,** search engine ~~engineering~~ **optimization** services (SEO) **for promoting the websites of others**~~;~~**,** and ~~all non-Google~~ PPC advertising campaigns targeting popular desktop and mobile operating systems; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Consulting services in the field of internet marketing

SCOPE ADVISORY: Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e).

ONLINE ID MANUAL: For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual*. *See* TMEP §1402.04.

For information on how to identify the goods and services in an application, applicant is encouraged to view the USPTO's Trademark Information Network Video Number 6, "Goods and Services."

RESPONDING TO THIS OFFICE ACTION

Response guidelines. For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see "Responding to Office Actions" and the informational video "Response to Office Action" for more information and tips on responding.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. Click to file a response to this nonfinal Office action.

/Todd Lewellen/
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RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to abandon.** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or unforeseen circumstances could affect an applicant's ability to timely respond.

- **Responses signed by an unauthorized party** are not accepted and can **cause the application to abandon**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant. If applicant has an attorney, the response must be signed by the attorney.

- If needed, **find contact information for the supervisor** of the office or unit listed in the signature block.

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Mark Punctuated
GOOGLE

Translation

Goods/Services

- IC 042. US 100 101.G & S: Provision of Internet search engines. FIRST USE: 20000401. FIRST USE IN COMMERCE: 20000401

Mark Drawing Code
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Design Code

Serial Number
85531517

Filing Date
20120201

Current Filing Basis
1A

Original Filing Basis
1A

Publication for Opposition Date
20120417

Registration Number
4168118

Date Registered
20120703

Owner
(REGISTRANT) Google Inc. CORPORATION DELAWARE 1600 Amphitheatre Pkwy. Mountain View CALIFORNIA 94043 (LAST LISTED OWNER) GOOGLE LLC LIMITED LIABILITY COMPANY DELAWARE 1600 AMPHITHEATRE PARKWAY MOUNTAIN VIEW CALIFORNIA 94043

Priority Date

Disclaimer Statement

Description of Mark
The color(s) blue, red, yellow, and green is/are claimed as a feature of the mark. The mark consists of the first letter "G" which is blue; the second letter "O" is red; the third letter "O" is yellow; the fourth letter "G" is blue; the fifth letter "L" is green; and the sixth letter "E" is red.

Type of Mark

SERVICE MARK

Register
PRINCIPAL

Live Dead Indicator
LIVE

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To look up an entry in *The American Heritage Dictionary of the English Language,* use the search window above. For best results, after typing in the word, click on the "Search" button instead of using the "enter" key.

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GUIDE TO THE DICTIONARY ▸

THE USAGE PANEL

The Usage Panel is a group of nearly 200 prominent scholars, creative writers, journalists, diplomats, and others in occupations requiring mastery of language. Annual surveys have gauged the acceptability of particular usages and grammatical constructions.

THE PANELISTS ▸

SEO

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abbr.
    search engine optimization

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Semitic Roots

The Indo-European appendix covers nearly half of the Indo-European roots that have left their mark on English words. A more complete treatment of Indo-European roots and the English words derived from them is available in our **Dictionary of Indo-European Roots**.

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Search engine optimization

From Wikipedia, the free encyclopedia

"SEO" redirects here. For other uses, see Seo.

Search engine optimization (**SEO**) is the process of improving the quality and quantity of website traffic to a website or a web page from search engines.[1] SEO targets unpaid traffic (known as "natural" or "organic" results) rather than direct traffic or paid traffic. Unpaid traffic may originate from different kinds of searches, including image search, video search, academic search,[2] news search, and industry-specific vertical search engines.

As an Internet marketing strategy, SEO considers how search engines work, the computer-programmed algorithms that dictate search engine behavior, what people search for, the actual search terms or keywords typed into search engines, and which search engines are preferred by their targeted audience. SEO is performed because a website will receive more visitors from a search engine when websites rank higher on the search engine results page (SERP). These visitors can then potentially be converted into customers.[3]

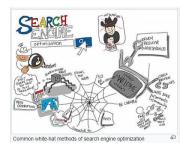Common white-hat methods of search engine optimization

Contents [hide]

Part of a series on
Internet marketing

Search engine optimization
Local search engine optimisation
Social media marketing
Email marketing
Referral marketing
Content marketing
Native advertising

Search engine marketing
Pay-per-click
Cost per impression
Search analytics
Web analytics

Display advertising
Ad blocking
Contextual advertising
Behavioral targeting

Affiliate marketing
Cost per action
Revenue sharing

Mobile advertising

V·T·E

History

Webmasters and content providers began optimizing websites for search engines in the mid-1990s, as the first search engines were cataloging the early Web. Initially, all webmasters only needed to submit the address of a page, or URL, to the various engines which would send a web crawler to *crawl* that page, extract links to other pages from it, and return information found on the page to be indexed.[4] The process involves a search engine spider downloading a page and storing it on the search engine's own server. A second program, known as an indexer, extracts information about the page, such as the words it contains, where they are located, and any weight for specific words, as well as all links the page contains. All of this information is then placed into a scheduler for crawling at a later date.

Website owners recognized the value of a high ranking and visibility in search engine results,[5] creating an opportunity for both white hat and black hat SEO practitioners. According to industry analyst Danny Sullivan, the phrase "search engine optimization" probably came into use in 1997. Sullivan credits Bruce Clay as one of the first people to popularize the term.[6]

Early versions of search algorithms relied on webmaster-provided information such as the keyword meta tag or index files in engines like ALIWEB. Meta tags provide a guide to each page's content. Using metadata to index pages was found to be less than reliable, however, because the webmaster's choice of keywords in the meta tag could potentially be an inaccurate representation of the site's actual content. Flawed data in meta tags such as those that were not accurate, complete, or falsely attributes created the potential for pages to be mischaracterized in irrelevant searches.[7] [*dubious – discuss*] Web content providers also manipulated some attributes within the HTML source of a page in an attempt to rank well in search engines.[8] By 1997, search engine designers recognized that webmasters were making efforts to rank well in their search engine, and that some webmasters were even manipulating their rankings in search results by stuffing pages with excessive or irrelevant keywords. Early search

recognized that webmasters were making efforts to rank well in their search engine, and that some webmasters were even manipulating their rankings in search results by stuffing pages with excessive or irrelevant keywords. Early search engines, such as Altavista and Infoseek, adjusted their algorithms to prevent webmasters from manipulating rankings.[9]

By heavily relying on factors such as keyword density, which were exclusively within a webmaster's control, early search engines suffered from abuse and ranking manipulation. To provide better results to their users, search engines had to adapt to ensure their results pages showed the most relevant search results, rather than unrelated pages stuffed with numerous keywords by unscrupulous webmasters. This meant moving away from heavy reliance on term density to a more holistic process for scoring semantic signals.[10] Since the success and popularity of a search engine is determined by its ability to produce the most relevant results to any given search, poor quality or irrelevant search results could lead users to find other search sources. Search engines responded by developing more complex ranking algorithms, taking into account additional factors that were more difficult for webmasters to manipulate.

Companies that employ overly aggressive techniques can get their client websites banned from the search results. In 2005, the *Wall Street Journal* reported on a company, Traffic Power, which allegedly used high-risk techniques and failed to disclose those risks to its clients.[11] *Wired* magazine reported that the same company sued blogger and SEO Aaron Wall for writing about the ban.[12] Google's Matt Cutts later confirmed that Google did in fact ban Traffic Power and some of its clients.[13]

Some search engines have also reached out to the SEO industry, and are frequent sponsors and guests at SEO conferences, webchats, and seminars. Major search engines provide information and guidelines to help with website optimization.[14][15] Google has a Sitemaps program to help webmasters learn if Google is having any problems indexing their website and also provides data on Google traffic to the website.[16] Bing Webmaster Tools provides a way for webmasters to submit a sitemap and web feeds, allows users to determine the "crawl rate", and track the web pages index status.

In 2015, it was reported that Google was developing and promoting mobile search as a key feature within future products. In response, many brands began to take a different approach to their Internet marketing strategies.[17]

Relationship with Google

In 1998, two graduate students at Stanford University, Larry Page and Sergey Brin, developed "Backrub", a search engine that relied on a mathematical algorithm to rate the prominence of web pages. The number calculated by the algorithm, PageRank, is a function of the quantity and strength of inbound links.[18] PageRank estimates the likelihood that a given page will be reached by a web user who randomly surfs the web, and follows links from one page to another. In effect, this means that some links are stronger than others, as a higher PageRank page is more likely to be reached by the random web surfer.

Page and Brin founded Google in 1998.[19] Google attracted a loyal following among the growing number of Internet users, who liked its simple design.[20] Off-page factors (such as PageRank and hyperlink analysis) were considered as well as on-page factors (such as keyword frequency, meta tags, headings, links and site structure) to enable Google to avoid the kind of manipulation seen in search engines that only considered on-page factors for their rankings. Although PageRank was more difficult to game, webmasters had already developed link building tools and schemes to influence the Inktomi search engine, and these methods proved similarly applicable to gaming PageRank. Many sites focused on exchanging, buying, and selling links, often on a massive scale. Some of these schemes, or link farms, involved the creation of thousands of sites for the sole purpose of link spamming.[21]

By 2004, search engines had incorporated a wide range of undisclosed factors in their ranking algorithms to reduce the impact of link manipulation. In June 2007, *The New York Times'* Saul Hansell stated Google ranks sites using more than 200 different signals.[22] The leading search engines, Google, Bing, and Yahoo, do not disclose the algorithms they use to rank pages. Some SEO practitioners have studied different approaches to search engine optimization, and have shared their personal opinions.[23] Patents related to search engines can provide information to better understand search engines.[24] In 2005, Google began personalizing search results for each user. Depending on their history of previous searches, Google crafted results for logged in users.[25]

In 2007, Google announced a campaign against paid links that transfer PageRank.[26] On June 15, 2009, Google disclosed that they had taken measures to mitigate the effects of PageRank sculpting by use of the nofollow attribute on links. Matt Cutts, a well-known software engineer at Google, announced that Google Bot would no longer treat any nofollow links, in the same way, to prevent SEO service providers from using nofollow for PageRank sculpting.[27] As a result of this change the usage of nofollow led to evaporation of PageRank. In order to avoid the above, SEO engineers developed alternative techniques that replace nofollowed tags with obfuscated JavaScript and thus permit PageRank sculpting. Additionally several solutions have been suggested that include the usage of iframes, Flash and JavaScript.[28]

In December 2009, Google announced it would be using the web search history of all its users in order to populate search results.[29] On June 8, 2010 a new web indexing system called Google Caffeine was announced. Designed to allow users to find news results, forum posts and other content much sooner after publishing than before, Google Caffeine was a change to the way Google updated its index in order to make things show up quicker on Google than before. According to Carrie Grimes, the software engineer who announced Caffeine for Google, "Caffeine provides 50 percent fresher results for web searches than our last index..."[30] Google Instant, real-time-search, was introduced in late 2010 in an attempt to make search results more timely and relevant. Historically site administrators have spent months or even years optimizing a website to increase search rankings. With the growth in popularity of social media sites and blogs, the leading engines made changes to their algorithms to allow fresh content to rank quickly within the search results.[31]

In February 2011, Google announced the Panda update, which penalizes websites containing content duplicated from other websites and sources. Historically websites have copied content from one another and benefited in search engine rankings by engaging in this practice. However, Google implemented a new system that punishes sites whose content is not unique.[32] The 2012 Google Penguin attempted to penalize websites that used manipulative techniques to improve their rankings on the search engine.[33] Although Google Penguin has been presented as an algorithm aimed at fighting web spam, it really focuses on spammy links[34] by gauging the quality of the sites the links are coming from. The 2013 Google Hummingbird update featured an algorithm change designed to improve Google's natural language processing and semantic understanding of web pages. Hummingbird's language processing system falls under the newly recognized term of "conversational search" where the system pays more attention to each word in the query in order to better match the pages to the meaning of the query rather than a few words.[35] With regards to the changes made to search engine optimization, for content publishers and writers, Hummingbird is intended to resolve issues by getting rid of irrelevant content and spam, allowing Google to produce high-quality content and rely on them to be 'trusted' authors.

In October 2019, Google announced they would start applying BERT models for English language search queries in the US. Bidirectional Encoder Representations from Transformers (BERT) was another attempt by Google to improve their natural language processing but this time in order to better understand the search queries of their users.[36] In terms of search engine optimization, BERT intended to connect users more easily to relevant content and increase the quality of traffic coming to websites that are ranking in the Search Engine Results Page.

Methods

Getting indexed

The leading search engines, such as Google, Bing and Yahoo!, use crawlers to find pages for their algorithmic search results. Pages that are linked from other search engine indexed pages do not need to be submitted because they are found automatically. The Yahoo! Directory and DMOZ, two major directories which closed in 2014 and 2017 respectively, both required manual submission and human editorial review.[37] Google offers Google Search Console, for which an XML Sitemap feed can be created and submitted for free to ensure that all pages are found, especially pages that are not discoverable by automatically following links[38] in addition to their URL submission console.[39] Yahoo! formerly operated a paid submission service that guaranteed crawling for a cost per click;[40] however, this practice was discontinued in 2009.
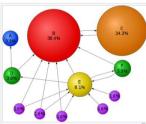
Search engine crawlers may look at a number of different factors when crawling a site. Not every page is indexed by search engines. The distance of pages from the root directory of a site may also be a factor in whether or not pages get crawled.[41]

Today, most people are searching on Google using a mobile device.[42] In November 2016, Google announced a major change to the way crawling websites and started to make their index mobile-first, which means the mobile version of a given website becomes the starting point for what Google includes in their index.[43] In May 2019, Google updated the rendering engine of their crawler to be the latest version of Chromium (74 at the time of the announcement). Google indicated that they would regularly update the Chromium rendering engine to the latest version.[44] In December 2019, Google began updating the User-Agent string of their crawler to reflect the latest Chrome version used by their rendering service. The delay was to allow webmasters time to update their code that responded to particular bot User-Agent strings. Google ran evaluations and felt confident the impact would be minor.[45]

Preventing crawling

Main article: Robots exclusion standard

To avoid undesirable content in the search indexes, webmasters can instruct spiders not to crawl certain files or directories through the standard robots.txt file in the root directory of the domain. Additionally, a page can be explicitly excluded from a search engine's database by using a meta tag specific to robots (usually <meta name="robots" content="noindex">). When a search engine visits a site, the robots.txt located in the root directory is the first file crawled. The robots.txt file is then parsed and will instruct the robot as to which pages are not to be crawled. As a search engine crawler may keep a cached copy of this file, it may on occasion crawl pages a webmaster does not wish crawled. Pages typically prevented from being crawled include login-specific pages such as shopping carts and user-specific content such as search results from internal searches. In March 2007, Google warned webmasters that they should prevent indexing of internal search results because those pages are considered search spam.[46] In 2020 Google sunsetted the standard (and open-sourced their code) and now treats it as a hint not a directive. To adequately ensure that pages are not indexed a page-level robot's meta tag should be included.[47]

Search engines use complex mathematical algorithms to interpret which websites a user seeks. In this diagram, where each bubble represents a website, programs sometimes called *spiders* examine which sites link to which other sites, with arrows representing these links. Websites getting more inbound links, or stronger links, are presumed to be more important and what the user is searching for. In this example, since website B is the recipient of numerous inbound links, it ranks more highly in a web search. And the links "carry through", such that website C, even though it only has one inbound link, has an inbound link from a highly popular site (B) while site E does not. Note: Percentages are rounded.

Increasing prominence

A variety of methods can increase the prominence of a webpage within the search results. Cross linking between pages of the same website to provide more links to important pages may improve its visibility. Page design makes users trust a site and want to stay once they find it. When people bounce off a site, it counts against the site and affects their credibility.[48] Writing content that includes frequently searched keyword phrases, so as to be relevant to a wide variety of search queries will tend to increase traffic. Updating content so as to keep search engines crawling back frequently can give additional weight to a site. Adding relevant keywords to a web page's metadata, including the title tag and meta description, will tend to improve the relevancy of a site's search listings, thus increasing traffic. URL canonicalization of web pages accessible via multiple URLs, using the canonical link element[49] or via 301 redirects can help make sure links to different versions of the URL all count towards the page's link popularity score. These are known as incoming links, which point to the URL and can count towards the page link's popularity score, impacting the credibility of a website.[48]

Also, in recent times Google is giving more priority to the below elements for SERP (Search Engine Ranking Position).

- HTTPS version (Secure Site)
- Page Speed
- Structured Data
- Mobile Compatibility
- AMP (Accelerated Mobile Pages)
- BERT

White hat versus black hat techniques

SEO techniques can be classified into two broad categories: techniques that search engine companies recommend as part of good design ("white hat"), and those techniques of which search engines do not approve ("black hat"). The search engines attempt to minimize the effect of the latter, among them spamdexing. Industry commentators have classified these methods, and the practitioners who employ them, as either white hat SEO, or black hat SEO.[50] White hats tend to produce results that last a long time, whereas black hats anticipate that their sites may eventually be banned either temporarily or permanently once the search engines discover what they are doing.[51]

An SEO technique is considered a white hat if it conforms to the search engines' guidelines and involves no deception. As the search engine guidelines[14][15][52] are not written as a series of rules or commandments, this is an important distinction to note. White hat SEO is not just about following guidelines but is about ensuring that the content a search engine indexes and subsequently ranks is the same content a user will see. White hat advice is generally summed up as creating content for users, not for search engines, and then making that content easily accessible to the online "spider" algorithms, rather than attempting to trick the algorithm from its intended purpose. White hat SEO is in many ways similar to web development

that promotes accessibility,[53] although the two are not identical.

Black hat SEO attempts to improve rankings in ways that are disapproved of by the search engines, or involve deception. One black hat technique uses hidden text, either as text colored similar to the background, in an invisible div, or positioned off-screen. Another method gives a different page depending on whether the page is being requested by a human visitor or a search engine, a technique known as cloaking. Another category sometimes used is grey hat SEO. This is in between black hat and white hat approaches, where the methods employed avoid the site being penalized but do not act in producing the best content for users. Grey hat SEO is entirely focused on improving search engine rankings.

Search engines may penalize sites they discover using black or grey hat methods, either by reducing their rankings or eliminating their listings from their databases altogether. Such penalties can be applied either automatically by the search engines' algorithms, or by a manual site review. One example was the February 2006 Google removal of both BMW Germany and Ricoh Germany for use of deceptive practices.[54] Both companies, however, quickly apologized, fixed the offending pages, and were restored to Google's search engine results page.[55]

As marketing strategy

SEO is not an appropriate strategy for every website, and other Internet marketing strategies can be more effective, such as paid advertising through pay per click (PPC) campaigns, depending on the site operator's goals. Search engine marketing (SEM) is the practice of designing, running and optimizing search engine ad campaigns. Its difference from SEO is most simply depicted as the difference between paid and unpaid priority ranking in search results. SEM focuses on prominence more so than relevance; website developers should regard SEM with the utmost importance with consideration to visibility as most navigate to the primary listings of their search.[56] A successful Internet marketing campaign may also depend upon building high-quality web pages to engage and persuade internet users, setting up analytics programs to enable site owners to measure results, and improving a site's conversion rate.[57] In November 2015, Google released a full 160-page version of its Search Quality Rating Guidelines to the public,[58] which revealed a shift in their focus towards "usefulness" and mobile local search. In recent years the mobile market has exploded, overtaking the use of desktops, as shown in by StatCounter in October 2016 where they analyzed 2.5 million websites and found that 51.3% of the pages were loaded by a mobile device.[59] Google has been one of the companies that are utilizing the popularity of mobile usage by encouraging websites to use their Google Search Console, the Mobile-Friendly Test, which allows companies to measure up their website to the search engine results and determine how user-friendly their websites are. The closer the key words are together, their ranking will improve based on key terms. [48]

SEO may generate an adequate return on investment. However, search engines are not paid for organic search traffic, their algorithms change, and there are no guarantees of continued referrals. Due to this lack of guarantee and the uncertainty, a business that relies heavily on search engine traffic can suffer major losses if the search engines stop sending visitors.[60] Search engines can change their algorithms, impacting a website's search engine ranking, possibly resulting in a serious loss of traffic. According to Google's CEO, Eric Schmidt, in 2010, Google made over 500 algorithm changes – almost 1.5 per day.[61] It is considered a wise business practice for website operators to liberate themselves from dependence on search engine traffic.[62] In addition to accessibility in terms of web crawlers (addressed above), user web accessibility has become increasingly important for SEO.

International markets

Optimization techniques are highly tuned to the dominant search engines in the target market. The search engines' market shares vary from market to market, as does competition. In 2003, Danny Sullivan stated that Google represented about 75% of all searches.[63] In markets outside the United States, Google's share is often larger, and Google remains the dominant search engine worldwide as of 2007.[64] As of 2006, Google had an 85–90% market share in Germany.[65] While there were hundreds of SEO firms in the US at that time, there were only about five in Germany.[65] As of June 2008, the market share of Google in the UK was close to 90% according to Hitwise.[66] That market share is achieved in a number of countries.

As of 2009, there are only a few large markets where Google is not the leading search engine. In most cases, when Google is not leading in a given market, it is lagging behind a local player. The most notable example markets are China, Japan, South Korea, Russia, and the Czech Republic where respectively Baidu, Yahoo! Japan, Naver, Yandex and Seznam are market leaders.

Successful search optimization for international markets may require professional translation of web pages, registration of a domain name with a top level domain in the target market, and web hosting that provides a local IP address. Otherwise, the fundamental elements of search optimization are essentially the same, regardless of language.[65]

Legal precedents

On October 17, 2002, SearchKing filed suit in the United States District Court, Western District of Oklahoma, against the search engine Google. SearchKing's claim was that Google's tactics to prevent spamdexing constituted a tortious interference with contractual relations. On May 27, 2003, the court granted Google's motion to dismiss the complaint because SearchKing "failed to state a claim upon which relief may be granted."[67][68]

In March 2006, KinderStart filed a lawsuit against Google over search engine rankings. KinderStart's website was removed from Google's index prior to the lawsuit, and the amount of traffic to the site dropped by 70%. On March 16, 2007, the United States District Court for the Northern District of California (San Jose Division) dismissed KinderStart's complaint without leave to amend, and partially granted Google's motion for Rule 11 sanctions against KinderStart's attorney, requiring him to pay part of Google's legal expenses.[69][70]

See also

- Blog network
- Competitor backlinking
- List of search engines
- Search engine marketing
- Search neutrality, the opposite of search manipulation
- User intent
- Website promotion

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External links

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