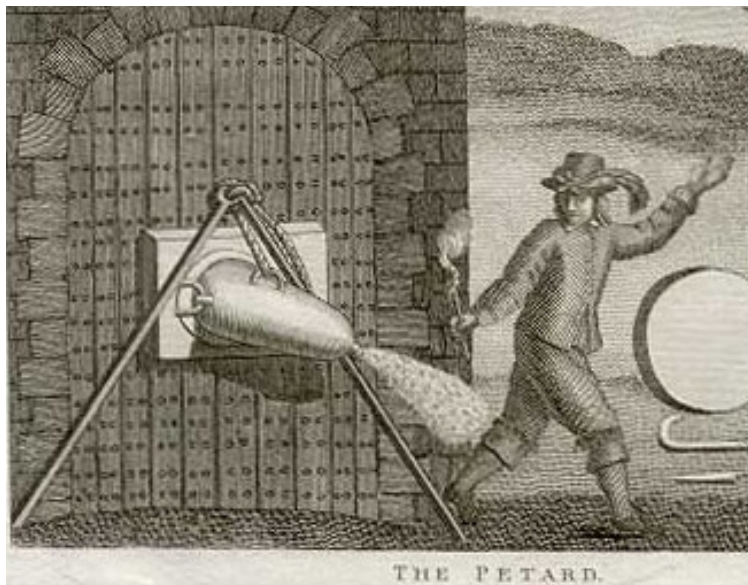


WHEN SMEAR CAMPAIGNS LIE, THEY BACKFIRE ON THE SMEARER

Park West Gallery initiated a smear campaign against Fine Art Registry® to try to silence or discredit FAR® who was publishing a bit too much of the truth about Park West's operations to suit them. Now they have been, as Hamlet put it, "hoist with their own petard".



by David Phillips

Hiring PR spin doctors to set up a website and to write and publish false, defamatory statements about Fine Art Registry backfired heavily on Park West Gallery when the World Intellectual Property Organization (WIPO) conducted an impartial investigation into the violation of Fine Art Registry trademarks and found that the Park West PR people had registered a website domain in bad faith so as to benefit commercially by disparaging Fine Art Registry and promoting Park West Gallery and other art professionals. The Panelist who conducted the investigation ordered that the domain name in

question, "aboutfineartregistry.com" be transferred to Fine Art Registry.

Much of this story was conducted behind the scenes. Thanks to expert help, Fine Art Registry was able to track down the miscreants, expose their ties to Park West Gallery and take swift action to close down the website with its covert slander.

The story goes back to July of this year when a number of slanderous articles, press releases and blogs began appearing, all attacking Fine Art Registry with vicious lies. These items of propaganda were rapidly traced

back to Louis Postel, Tracy Payne, Julia Genatossio, Monsoon Vermont (PR company) and Guerilla PR Girlz, all in Jamaica, Vermont. It was not hard to find that all of these people or entities are or have been employed by Park West Gallery.

Since Park West's practices were being exposed by Fine Art Registry through a series of reports published which contained direct, first-hand stories of people being duped and ripped off by Park West auctioneers at cruise ship art "auctions", it was not a surprise that the propaganda published by these PR spin doctors and the aboutfineartregistry.com website was pro Park West, pro Park West hired appraiser Bernard Ewell and anti Fine Art Registry. It was an obvious attempt to discredit and silence FAR with lies.

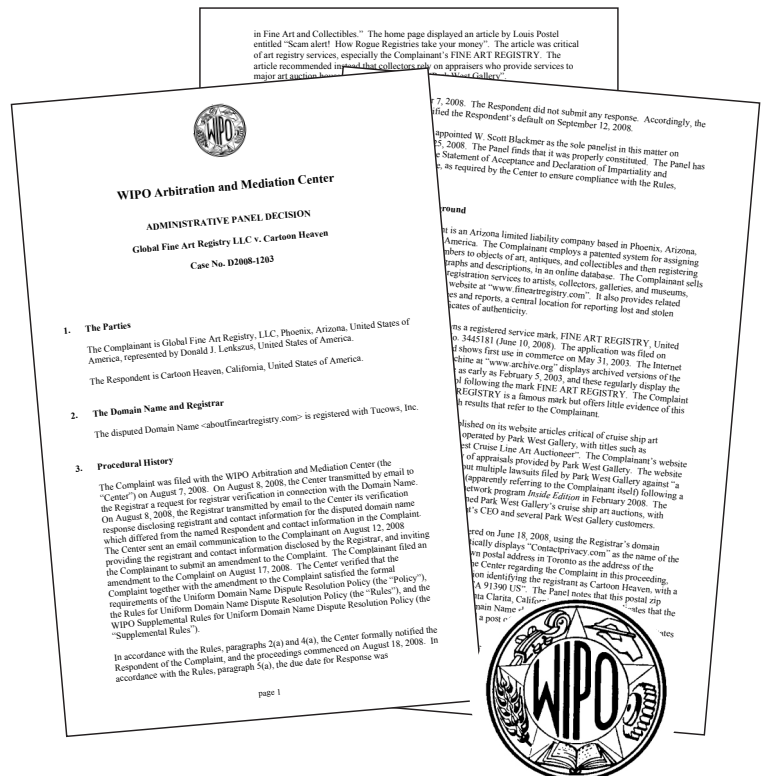
Lies have a way of recoiling on the liar and the truth has an uncanny habit of poking its head up through the weeds and blooming vigorously, no matter how hard someone tries to keep it down.

Fine Art Registry has many friends. One of them was able to rapidly track down the sources of the smear campaign and document them and their links to Park West Gallery. It's quite a tale of intrigue all on its own and would probably make a good novel or movie. However, the real life connotations were very sinister, and demonstrate clearly the depths to which people who have something to hide will go in trying to destroy anyone who shines the spotlight of truth on them and their practices. They prefer to work in the dark.

Fine Art Registry instructed its Patent and Trademark attorney, Donald J. Lenkszus, PC, of Scottsdale, AZ, to take the necessary steps to deal with the trademark infringement, libel and slander. He contacted the World Intellectual Property Organization (WIPO) in Geneva, which deals with domain name disputes, who assigned a Panelist, W. Scott Blackmer, a veteran technology lawyer based in Washington DC, Brussels and Salt Lake City, to mediate the case (<http://www.blackmerlaw.com/>).

In the meantime, perhaps as a result of exposure from Fine Art Registry and independent observers, as well as the arbitration in progress, the websites, blogs, press releases and so on which comprised the Park West Gallery smear campaign against Fine Art Registry mysteriously disappeared one by one. Had the accusations been true, there would have been no need to remove them. Truth is its own defense. One great thing about the world wide web is the fact that you can go back in time and retrieve practically everything that

has ever been on it. All the evidence is still available, no matter how hard the perpetrators try to hide it.



LANDSLIDE VICTORY FOR FINE ART REGISTRY

The mediation by Mr. Blackmer amounts to a landslide victory in favor of Fine Art Registry. The hosting company where the domain <aboutfineartregistry.com> was being anonymously hosted was ordered to transfer the domain name to Fine Art Registry in the following decision:

The Administrative Panel's finding is as follows:

"For all the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <aboutfineartregistry.com> be transferred to the Complainant."

The Respondents in this case, the Park West hired PR spin doctors, never showed up or communicated with the Panelist. They simply defaulted, turned tail and dived for cover, like so many startled rabbits.

Here are some salient points excerpted from the excellent report by Mr. Blackmer, the WIPO Panelist:

Mr. Postel, who wrote the lead article critical of the Complainant on the website formerly

associated with the Domain Name, evidently has a business association with Park West Gallery. Attached to the Complaint is a printout of the biographical summary of Louis Postel published on the social networking website “www.linkedin.com”, as it appeared on July 16, 2008. It refers to Mr. Postel as an “interior design journalist”, and the first item under the “Current” heading is “Consultant/Writer at Park West Gallery”. According to the Park West Gallery website, the company is celebrating its 40th anniversary this year, in part by “launching a new book”, 40 Years of Art and Art History, edited by Mr. Postel. The blog on the Park West Gallery website also includes an interview by Mr. Postel of satisfied Park West Gallery customers. The interview promotes Park West Gallery’s art auctions on cruise ships

...

It appears likely, as discussed above, that Park West Gallery or persons associated with that company have exercised control over the Domain Name from the outset. It also appears that Park West Gallery competes with the Complainant in offering certain commercial services related to art investigations, authentication, and appraisals. The website formerly associated with the Domain Name disparaged the Complainant and promoted Park West Gallery and other art professionals. It is not likely a coincidence that a paid consultant of Park West Gallery, residing in the same small Vermont town shown as the address of the administrative contact for the Domain Name, wrote the lead article on the website, and that this was followed by press releases from Park West Gallery itself.

...

The Complainant and Park West Gallery are openly critical of each other, and their mutual contempt is reflected in lawsuits, press releases, and media interviews. It is beyond the scope of this administrative proceeding to determine which, if any, of their respective allegations about business misconduct are true, or whether either party has defamed the other. From the record in this proceeding, however, it appears more likely than not that the Domain Name was registered

and used in a bad-faith attempt to divert Internet users interested in the Complainant to a website that criticized the Complainant and promoted Park West Gallery, consistent with paragraphs 4(b) (iii) and (iv) of the Policy.

While the use of a domain privacy service is not necessarily itself evidence of bad faith, as the Complainant suggests, providing incomplete or inaccurate registration details when presented with a legal challenge suggests bad faith, as does the failure to respond to the substance of a Complaint asserting misuse of a trademark. Such conduct in this case merely reinforces the inference of bad faith based on the points described above.

[The full text of the WIPO Administrative Panel Decision can be found [here](#).]

PARK WEST CONNECTIONS

There is another side to this whole story. Someone has taken the time to do some serious investigation into the connections between the various players involved.

One source, whom we consider to be reliable, believes the key players in the smear campaign against Fine Art Registry to be Louis Postel, who describes himself as a freelance writer for art and design magazines; Tracy Payne and Julia Genatossio of Monsoon Vermont (Tracy Payne was the one who unfortunately sent a letter addressed to Park West customers with instructions on how to help Park West trick the search engines by hiding the negative reports on Park West, to customers who were not so loyal). This same source believes that the brains behind the smear campaign is Dan Cherrin of Caponigro Public Relations in Southfield, Michigan and that the entire operation is being funded by Albert Scaglione and Park West Gallery of Southfield, Michigan. This all makes sense in light of the material published, but is unconfirmed.

FINE ART REGISTRY ATTORNEYS

On hearing the news of the Fine Art Registry victory, FAR attorney Don Lenkszus, had the following to say:

“It has been my experience that good and trustworthy businesses do not resort to illegal and/or bad faith activities. That is particularly important with respect to businesses where the customers place great reliance on the good faith

of a seller. The decision of the World Intellectual Property Organization (WIPO) supports my experience.

“The decision of the World Intellectual Property Organization (WIPO) is consistent with its prior holdings that organizations such as Park West cannot shield themselves from being called out as acting in bad faith when they attempt to misappropriate and misuse the valid trademarks.”

And Larry Atorthy, Senior Partner at Kaufman, Payton & Chapa, Michigan based law firm representing Fine Art Registry in its court case against Park West Gallery, had the following to say:

“The decision of the World Intellectual Property Organization (WIPO) reinforces what Fine Art Registry has been saying through its website and throughout its litigation with Park West Gallery, Inc. The WIPO has ruled that Park West, apparently acting through its proxies, misappropriated and misused the registered mark of Fine Art Registry and engaged in a deliberate campaign to smear FAR, its most vocal critic. This ruling raises some peculiar questions, such as why Park West would misappropriate Fine Art Registry’s mark at the same time it accuses Fine Art Registry of defamation?

“This ruling is doubtlessly a vindication of Fine Art Registry business practices. At the same time, it is a resounding condemnation of business practices in which the WIPO concluded that Park West engaged. We believe the federal court litigation brought by Park West will conclude similarly.”

THE MORAL OF THE STORY

As Fine Art Registry CEO, Theresa Franks, put it when she heard the results of the mediation:

“It’s a sensational victory for Fine Art Registry and its dedicated team, and refreshing confirmation that the color of justice isn’t always ‘green’. The guys in the white hats can prevail, even when the ones wearing the black hats have very deep pockets.”

There is a time honored rule in public relations, and if those serving Park West had followed it, they wouldn’t have landed Park West so squarely in the soup with a resounding splash: “Never tell lies in PR.”

Fine Art Registry, for all its open criticism and vigorous reporting about Park West’s activities has never published one word about them that it didn’t firmly believe to be true. The stories are almost entirely based on what Park West’s own customers have told FAR about their experiences with the company, in addition to expertise from some of the world’s most renowned experts in their respective fields.

Perhaps Park West cannot publish the truth about its activities because of the repercussions that would ensue. In that case it would be far better PR to remain silent and deal with individual customer complaints as they come up, but NOT attack the guys in the white hats with lies and calumny. That’s just suicide. 🚫

For more on this investigation,
visit www.fineartregistry.com and salvadordalifakes.com
And learn the many benefits of membership and join
Fine Art Registry® today!