

## LifeLock, A New Lawsuit, And A New Form of Identity Theft

July 1, 2008 – Over the past two months LifeLock – a company that offers a host of services to help protect consumers from identity theft – has been the target of a number of lawsuits. The first was filed by Experian; claiming that the company’s services violated the Fair Credit Reporting Act. The next few suits were filed as class actions on behalf of consumers; claiming that the company’s \$1 million guarantee is worthless. But it is the third suit filed against the company by another corporation, NameSafe, that really has our attention. And if NameSafe wins their case, it could open the door for one of ACCESS board members to file suit against all three of the country’s largest consumer reporting agencies (CRAs).

For the record ACCESS has been very clear in its position on the Experian lawsuit as well as the consumer class action suits. For a variety of reasons that we have expressed in numerous articles, we don’t believe that they have merit. And frankly speaking, we’re not sure that this latest suit has any merit either. And ironically, because of information that ACCESS has acquired, Experian may want to consider publicly backing LifeLock in fighting the suit.

The latest suit was filed by a company called NameSafe. The company claims that LifeLock has been using the word “namesafe” as a keyword in internet based advertising to lure the company’s customers away. But from what ACCESS has been able to learn LifeLock does not appear to have used NameSafe’s name in any direct advertising. But some of LifeLock’s affiliates – companies that are paid by LifeLock to acquire new customers on behalf of the company – may have been using NameSafe’s name.

If this is the case, then the question becomes one of whether or not LifeLock is responsible for the actions of its affiliates? In addition to this, the courts will need to decide whether using NameSafe’s name is a violation of trademark law. Companies routinely compare their services to other companies without violating the law.

The reason that ACCESS is interested in this case is because the name of one of our board members, Denise Richardson, is routinely used as a keyword by the affiliates of the CRAs! In fact, the name of Denise’s book “Give Me Back My Credit” is also used by the affiliates of the CRAs to lure people to use their credit monitoring services. For the record, Denise’s book title is copyrighted and a trademark.

As we were doing research for this story, we also found that LifeLock’s name is being used in the keywords of at least one site; FreeExperianCreditReport.net. This is particularly interesting. We have to assume that this company is an affiliate of Experian; the very company that is suing LifeLock.

So, if NameSafe is able to win its suit against LifeLock for the actions of their affiliates, will that mean that Denise and LifeLock will be given a green light to sue the CRAs over the actions of their affiliates? We don’t know yet, but we will guarantee you that we will be watching this case closely.

To show you what we have found, you will find a picture gallery at the bottom of this article which has a variety of screenshots showing how Denise’s name is being used. The last picture in the gallery shows how LifeLock’s name is also being used to lure unsuspecting consumers into credit monitoring services offered by the CRAs.

You might wonder how Denise feels about all this. We’re not holding back. She said, “I have spoken out a lot at the freecreditreport site and the fact that Experian’s commercials don’t inform consumers where to get their officially & truly “free” credit reports... hardly anyone knows there is an official, automated, and toll free number that can be utilized (877-322-8228) to order annual free credit reports.”

Imagine how upset I have been to see that my name is being used to misdirect consumers to the very products I warn consumers about. My name is being used in links designed to appear as though (if clicked on) the reader will be brought to a page about, endorsed or written by me. But -that’s not all -when directed to these pages if you click on your browser’s view button and scroll down to “source” -you will then see my name is purposely placed in their title page and keywords and my name has been found in paid sponsor ads as well.

I can’t compete with corporate advertising dollars -and shouldn’t have to.

See the gallery below to see what has her, and ACCESS so upset. For all practical purposes, the sites shown below have stolen Denise’s identity to make a sale that she disagrees with.

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#main img {padding:0px;border:0px solid #FFFFFF;}.a_i4946{left:120px;top:0px;background-color:#FFFFFF;border:0px;position:absolute;}.c4946{position:absolute;padding:5px;left:154px;top:-23px;background-color:#EFEFEF;color:#000000;font-size:14px;font-family:verdana}.b_i4946{top:0px;width:551px;height:440px;left:120px;margin:0px;padding:0px;position:absolute;background-color:#FFFFFF;border:0px;}.im4946{border:0px;position:absolute;visibility:visible;}.o4946{visibility:hidden;}.o4946:hover{
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text-decoration:none;visibility:visible;}.make4946{color:565e66}a.make4946.hover{color:EF7600}

The first 8 pictures in this gallery show Denise Richardson's name being used as a keyword, without Denise's permission. This last picture, from FreeExperianCreditReport.net shows that LifeLock's name is being used as a keyword on their website.

by: Jim Malmberg

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