Intellectual Property Run Amok

**NEWS:** The Comedy of IP Overkill

Clara Jeffery (Ed.). Illustration by Headcase Design

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VENICE INTRODUCED the patent concept in 1474. Infringers were fined 100 ducats.

IN 1982, Motion Picture Association of America head Jack Valenti told Congress that “the VCR is to the American film producer and the American public as the Boston Strangler is to the woman home alone.”

A DAY AFTER Senator Orrin Hatch said “destroying their machines” might be the only way to stop illegal downloaders, unlicensed software was discovered on his website.

BILL GATES had the 11-million-image Bettmann Archive buried 220 feet underground. Archivists can access only the 2% that was first digitized.

AMONG THE 16,000 people thus far sued for sharing music files was a 65-year-old woman who, though she didn’t own downloading software, was accused of sharing 2,000 songs, including Trick Daddy’s “I’m a Thug.” She was sued for up to $150,000 per song.

MICROSOFT UK held a contest for the best film on “intellectual property theft”; finalists had to sign away “all intellectual property rights” on “terms acceptable to Microsoft.”

ONLY ABOUT 5% of patents end up having any real commercial value.

IN 2002, Valenti described Hollywood’s antipiracy campaign as “our own terrorist war.”

THE CLASSIC civil rights documentary Eyes on the Prize can’t be aired or sold because much of its archival footage is copyrighted.

TO PREVENT PIRACY of Harry Potter and the Goblet of Fire, a Montreal cineplex monitored audiences with metal detectors and night-vision goggles and checked popcorn for video cameras.

U.S. INTELLECTUAL PROPERTY is valued at $5.5 trillion, equal to 47% of our GDP and greater than the GDP of any other nation but China.

BY PASSING the memorial Sonny Bono Copyright Extension Act, Congress added 20 years to copyrights. “I Got You Babe” now won’t enter the public domain until 2061.

NINETY-ONE pending trademarks bear Donald Trump’s name, including “Donald J. Trump the Fragrance” and “Trump’s Golden Lager.” He failed to trademark the phrase “You’re fired.”

NEARLY 20% of the 23,688 known human genes are patented in the United States. Private companies hold 63% of those patents.

HUEY NEWTON’S widow is trademarking the phrase “Burn, Baby, Burn” for use as a BBQ sauce slogan.

IN THE LATEST ROUND of a 13-year battle over the title “Surf City USA,” Huntington Beach, Calif., filed for a trademark last year. A state senator from Santa Cruz retorted, “You can’t trademark a state of mind” and proposed a Senate resolution declaring his city to be the real Surf City.

GEORGE FOREMAN has earned $113 million by lending his name to a grill.

LAST YEAR Mister Softee spent $170,000 to track down and sue 45 competitors for copying its blue-and-white trucks and playing its copyrighted jingle.

“SENSORY TRADEMARKS” include a duck quacking (AFLAC), a lion roaring (MGM), yodelling (Yahoo!), giggling (Pillsbury), and a “pre-programmed rotating sequence of a plurality of high intensity
columns of light projected into the sky to locate a source at the base thereof” (Ballantyne of Omaha).

FOR INCLUDING a 60-second piece of silence on their album, the Planets were threatened with a lawsuit by the estate of composer John Cage, which said they’d ripped off his silent work 4’33”. The Planets countered that the estate failed to specify which 60 of the 273 seconds in Cage’s piece had been pilfered.

A FRENCH DIRECTOR had to pay $1,300 after a character in his film whistled the communist anthem, “The Internationale,” without permission.

AFTER INTEL was sued for libel for calling someone a “patent extortionist,” one of its lawyers coined the term “patent troll.”

THE WORLD WRESTLING Federation changed its name to World Wrestling Entertainment after the World Wildlife Fund sued over the rights to “WWF.”

HOOTERS SUED a competitor for stealing its “trade dress,” i.e., the packaging of its waitresses.

THE PUBLISHER of Super Hero Happy Hour removed “Super” from the comic book title after Marvel and DC Comics stated they own the phrase “super heroes and variations thereof.”

42% OF ALL VIDEO files shared online are pornographic. No porn-sharing cases have yet been tried in the U.S.

LAST YEAR Disney and other media companies sued two small L.A. shops for selling $15 piñatas of Winnie the Pooh, The Incredibles, and Nemo.

THE ROCK AND ROLL Hall of Fame sued several journalists for naming their website “The Jewish Rock and Roll Hall of Fame.” They renamed it Jewsrock.org.

AFTER ROSA PARKS sued OutKast for using her name as a song title, the group and their label settled by paying for a Parks tribute CD and TV special.

PATENT LAWSUITS have more than doubled since 1992.

RENTAMARK.COM makes money by claiming ownership of 10,000 phrases, including “chutzpah,” “casual Fridays,” “.com,” “fraud investigation,” and “big breasts.”

MARTIN LUTHER KING JR.’s estate charges academic authors $50 for each sentence of the “I Have a Dream” speech that they reprint.

THE VILLAGE PEOPLE refused to let their songs be used for a documentary called Gay Sex in the ’70s because they want to be thought of as “mainstream.”

-- Clara Jeffery (Ed.)

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