Global Village

By Reg P. Wydeven March 24, 2007

Andy Warhol once said that everyone eventually will have 15 minutes of fame. That was before the advent of the Internet, however, which may just have increased everyone's face time – just ask Paris Hilton.

With the accessibility and reduced expense of digital cameras, ordinary folks can now shoot high-quality home movies. These movies can then be uploaded onto their computer where graphics and special effects can be added. Then the movie can be uploaded onto a file-sharing website on the Internet where anyone in the world can view it.

This wonderful technology made "the Star Wars kid" a celebrity, as a homemade video of him pretending to be a Jedi was downloaded millions of times so people could watch him swing his toy lightsaber at imaginary bad guys. Thank goodness they didn't have digital cameras when I was a kid.

Because of these amateur movies, music videos and gag reels, file-sharing websites are becoming hugely popular. It's no surprise that the most popular file-sharing website is YouTube, which is owned by the most popular search engine, Google Inc. Because popular websites have millions of potential consumers viewing them each day, they are a perfect place for advertisers to hock their wares.

While many wanna-be movie stars or directors are posting their work on YouTube, not everyone wants to share their clips with the world. Media conglomerate Viacom Inc., which owns the cable networks MTV, VH1, Nickelodeon and the Paramount Pictures movie studio, recently filed a lawsuit against Google Inc. and YouTube. Viacom alleges that YouTube is guilty of "massive intentional copyright infringement," and the company is seeking more than \$1 billion for and an injunction to prevent further violations.

According to the suit, which was filed in the U.S. District Court for the Southern District of New York, almost 160,000 unauthorized Viacom clips of its programming have been uploaded onto YouTube's site and viewed more than 1.5 billion times. Viacom finally sued YouTube after months of negotiating to have "filtering tools" installed on the site to prevent unauthorized content from appearing on the site and ultimately after requesting to have the clips taken down.

Typically, online services such as YouTube are immune from liability under federal copyright law so long as it removes content from the site after being asked to. Last fall, the Japan Society for Rights of Authors, Composers and Publishers requested that YouTube delete nearly 30,000 files because of copyright infringement, which it did.

Some media companies, however, have decided that if you can't beat 'em, join 'em. Two television networks, CBS Corp. and General Electric Co.'s NBC Universal, have actually made deals with YouTube to allow video clips from their programming to be uploaded. The networks feel that exposing their shows to YouTube's millions of users will lure those viewers to turn off their computers and watch their televisions.

Universal Music Group, a division of French telecommunications giant Vivendi SA, followed suit. After threatening to sue YouTube for copyright infringement, UMG entered into a licensing deal with the site last year.

After watching some clips on YouTube as research for this article, I found myself wondering who has too much free time – the people making all these videos or people like me who actually watch them.

This article originally appeared in the Appleton Post-Crescent newspaper and is reprinted with the permission of Gannett Co., Inc. © 2007 McCarty Law LLP. All rights reserved.