

Super Bowl You Over

By Reg P. Wydeven
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A few weeks ago, my sister invited our family to her house for a Super Bowl party. She had a ton of tasty snacks and she made delicious glazed ham sandwiches. We had an absolute blast, other than lamenting the fact that the Packers should have been playing.

The game was the most-watched program in television history. While there were spectacular plays, like Jermaine Kearse's juggling catch, and terrific performances, like Tom Brady's four touchdown game, and a last-minute game-winning interception, my niece's favorite part was the halftime show.

A huge Katy Perry fan, my niece loved listening to her music and watching all of her costume changes. Again, she was not alone. America also loved the game's intermission, especially the dancing sharks. One shark in particular, the 'Left Shark,' was extremely endearing because he forgot the choreography and stumbled through the routine.

The Left Shark quickly went viral, and like many viral phenomenon, someone looked to capitalize on it. Merchandise showcasing the shark sprouted up all over internet retailers. Fernando Sosa was one such entrepreneur.

The Florida-based designer quickly started selling 3-D models of the Left Shark on Shapeways.com, an online marketplace, for \$24.99 each. Shortly thereafter, however, Sosa got a cease-and-desist letter from Katy Perry's attorneys claiming that she owns the copyright to the shark.

While Sosa complied, legal experts are speculating as to whether Perry actually holds the copyright to the costumes. Dancing next to the shark wouldn't give rise to copyright ownership. To prevail in court, Perry would have to demonstrate that she or one of her employees designed the shark costume.

Surprisingly, this isn't the first legal battle stemming from a Super Bowl halftime show.

During Super Bowl XLVI in 2012, Madonna performed many of her hits with special guests Nicki Minaj and M.I.A. In the middle of a song, M.I.A. flipped off cameras. Displeased, the NFL sued the rapper for over \$16 million in damages, claiming the gesture was in "flagrant disregard for the values that form the cornerstone of the NFL brand and the Super Bowl."

M.I.A. entered into a contract with the NFL whereby she agreed to maintain the NFL's "reputation for wholesomeness." While the singer initially claimed the suit was "ridiculous," last year she reached a settlement with the League out of court.

And who can forget Janet Jackson's "wardrobe malfunction" from Super Bowl XXXVIII in 2004 when Justin Timberlake ripped off a part of her bodice and exposed her breast. In response, Terri Carlin filed a class-action lawsuit in U.S. District Court against Jackson, Timberlake, MTV, CBS and Viacom (which owns both MTV and CBS).

Carlin alleged she and "millions of others" suffered "outrage, anger, embarrassment and serious injury" after witnessing the malfunction. She withdrew the suit, however, after the Federal Communications Commission fined CBS \$550,000 for the slip. The fine was ultimately overturned by a federal appellate court because the exposure was for less than half a second.

The halftime entertainment for Super Bowl 30 in 1995 was a tribute to 'Indiana Jones.' To avoid any future controversy, I think the NFL should have an Indiana Jones tribute at every Super Bowl, although I'm sure that nieces around the world would disagree with me.

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