

Now Those are some Damages

By Reg P. Wydeven
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I'm a huge fan of comedian Mike Myers. I love his movies, such as 'So I Married an Axe Murderer,' 'Wayne's World' and, of course, the 'Austin Powers' movies.

While Myers is great as Austin Powers, I particularly enjoy his portrayal of Dr. Evil. A spoofed amalgamation of all of James Bonds' enemies, Dr. Evil is a little naïve but has a great maniacal laugh. After being cryogenically frozen in the 1960s, Dr. Evil thaws out in the 1990s and hatches a plot to take over the world.

After hijacking some nuclear warheads, Dr. Evil contacts the United Nations to announce his demands. When a U.N. Representative mistakenly calls him "Mr. Evil," he snidely responds, "It's Dr. Evil. I didn't spend six years in Evil Medical School to be called "mister," thank you very much." He then warns the U.N. that he will unleash his warheads unless they pay him...ONE MILLION DOLLARS.

Luckily Dr. Evil's henchman No. 2 reminds him about inflation, so Dr. Evil quickly corrects himself by saying he will hold the world ransom for...ONE HUNDRED BILLION DOLLARS. Thankfully Austin Powers arrives to save the day, so the world doesn't have to come up with such an astronomical amount of money.

Of course, Dr. Evil is the first person I thought of when I heard about the lawsuit filed by the Recording Industry Association of America against the filesharing website, LimeWire. The RIAA sued LimeWire for sharing copies of songs for free. In October of 2010, federal district court judge Kimba Wood ruled that LimeWire's main filesharing functions be disabled, resulting in the website being shut down. However, the RIAA still pursued LimeWire for monetary damages.

The difficulty was calculating the amount of damages. During the case, the RIAA suggested that every incident of filesharing should be subject to statutory damages, which if they were willful infringements, could be up to \$150,000 per download. Judge Wood rejected their argument, claiming, "Plaintiffs are suggesting an award that is more money than the entire music recording industry has made since Edison's invention of the phonograph in 1877," and if awarded, it would be an "absurd result."

Because of the huge popularity of filesharing, many people followed the case. Of course, based on the estimated number of downloads, several of them actually calculated the amount of damages if Judge Wood had agreed with the RIAA. Dr. Evil would have been proud, as the resulting damages would total approximately...72 TRILLION DOLLARS.

It is unlikely the RIAA would have received this much. See, the Gross National Product of the entire planet and its 7 billion inhabitants is estimated to be about \$60 trillion. It was too late, however, as the Internet quickly blew up with the outlandish story that the RIAA was actually seeking \$72 trillion in damages.

The RIAA was quick to respond that it never actually sought \$72 trillion. The Association claimed that the actual number of works that would be the basis of a ruling was in dispute. The RIAA argued that the number should be 5,000, so even if it were awarded the maximum of \$150,000 per work, the damages would equal \$750 million. The RIAA also pointed out that it reached an out-of-court settlement with LimeWire for \$105 million.

So the RIAA was only seeking \$750 million in damages, not \$72 trillion. Maybe they're not the evil organization that many online critics claim they are. As Dr. Evil might say, they're semi-evil, quasi-evil, the margarine of evil. They're the Diet Coke of evil: just one calorie, not evil enough.

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