

Think Ink

**By Reg P. Wydeven
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Growing up, I was a huge boxing fan. Of course, “Iron” Mike Tyson was my all-time favorite fighter. Early in his career, he was absolutely devastating. He was the youngest boxer to win the WBC, WBA and IBF world heavyweight titles and the first heavyweight to ever hold them simultaneously. Tyson knocked out his first 19 opponents, 12 of them in the first round. He was on his way to possibly becoming the greatest boxer of all time.

Then things went downhill. Fast. Tyson married popular actress Robin Givens in 1988. A year and a week later they were divorced, after allegations of abuse. The couple gave a joint interview with Barbara Walters on 20/20 where Givens described life with Tyson as “torture, pure hell, worse than anything I could possibly imagine.” Not good.

Less than a year later Tyson was sent to the canvas for the first time in his career and ended up being knocked out by 42-to-1 underdog James “Buster” Douglas. In 1992, Tyson was convicted of raping Desiree Washington, Miss Black Rhode Island, and was sentenced to six years in prison, but only served three.

After being released, Mike made a comeback, even regaining a portion of the heavyweight title. He lost the belt to Evander Holyfield, however, and in their rematch ended up biting part of his ear off. Then a week before a 2003 fight with Clifford Etienne, Tyson got a tribal tattoo that covered half his face. He finally retired in 2006 and fulfilled the prediction he made in 2002 after losing a title fight to Lennox Lewis that he was “gonna fade into Bolivian.”

But that all changed with the release of the blockbuster movie ‘The Hangover’ in 2009. Tyson had a small, but memorable, part in the film and his popularity soared once again. Mike’s back on the big screen in ‘The Hangover: Part II,’ and wherever Mike goes, controversy follows.

S. Victor Whitmill filed a lawsuit in federal court in St. Louis against Warner Brothers, seeking monetary damages and an injunction to prevent the studio from releasing ‘Hangover 2’ on the Thursday of Memorial Day weekend. See, Whitmill is the artist who designed and tattooed Tyson’s face in 2003, and his lawsuit claims the film violated his copyright.

Whitmill is suing because in the movie, actor Ed Helms wakes up in Bangkok after a wild night with a face tattoo resembling Tyson’s. The suit alleges that Warner Brothers copied the tattoo without compensating or getting permission from Whitmill, and its appearance in the film amounts to “reckless copyright infringement.” After finishing the Tyson’s tat’, Whitmill had the fighter sign a release guaranteeing Whitmill’s rights to the design. Whitmill took photos of the tattooing process and registered his design, which he calls “one of the most distinctive tattoos in the nation,” with the U.S. Copyright Office.

Warner Brothers responded in a motion saying that it reproduced the tattoo in the movie under the “fair use” provision of the law and it was used to parody Tyson, which is an exception to copyright infringement.

The judge did not award the injunction, and the movie had a record-breaking opening weekend, bringing in \$105 million at the box office. While the suit sounds somewhat silly, the legal issue of copyrighting art on another person’s body is an important one for tattoo artists. After all, the ‘Hangover’ movies have raked in hundreds of millions of dollars and according to INC. Magazine, tattooing is a \$2 billion a year industry. So there’s a lot at stake, which reminds me of another great Tyson quote: “If you don’t believe it, check the cash register.”

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