

Pokemon Go to Court

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When my nephew was little, he loved playing Pokémon. He had hundreds of cards and he memorized all of the crazy creatures. He lived by the game's mantra of "collect 'em all!" Well a decade later, Pokémon is more popular than ever. Pokémon Go has quickly become an international phenomenon. It has surpassed Candy Crush as the most popular game ever and has overtaken Twitter in active users. Since the game's release, the stock of Nintendo, the game's developer, has skyrocketed.

Players, called "trainers" in the game, use their cell phones to track and capture Pokémon creatures. Like the original card game, players look for digital versions of creatures and are encouraged to "catch 'em all."

While video games are typically not healthy, Pokémon Go players are at least getting outdoors, exercising and actually interacting with one another. And in person! But unusual legal issues have surfaced involving the game, some of which are definitely unhealthy.

Because players are desperate to "catch 'em all," they will go to great lengths to capture creatures. Players have trespassed onto private property and some homeowners, not realizing the players' intentions, have shot at them. Others were guilty of breaking-and-entering into businesses, such as the two players who were arrested after hopping a fence at the Toledo Zoo near the tiger enclosure.

Sadly, some awful people have used the game to take advantage of players. There have been numerous reports across the country about delinquents lying in wait by Pokémon creatures who rob players that are on the hunt. Players have been robbed at gunpoint, stabbed and even shot by crooks who then steal the players' money and belongings. One man was stabbed in Forest Grove, Oregon, but kept on playing. Now that's an unhealthy obsession.

But far and away the biggest problem with Pokémon Go is accidental injuries sustained by distracted players. Players have walked into holes, trees, telephone poles, buildings and other people. Two men in Encinitas, California, survived after walking off a cliff. A 15-year-old girl got hit by a car while she was crossing a busy highway in Pennsylvania. A teen in Texas survived a bite from a venomous snake while playing.

Even scarier, some people play Pokémon Go while driving. In Baltimore, a distracted driver hit a police car while playing. A man in New York was injured after he drove his car into a tree.

Finally, a convicted sex offender was arrested for violating his parole for being around children while he and they were playing Pokémon Go.

So, in the sue-happy world we live in, can Nintendo expect to end up in court because of all these incidents? Several folks, and especially the parents of players who were hurt, blame Nintendo for the injuries and are considering legal action.

History is on Nintendo's side. Courts have tended not to hold video game manufacturers liable for injuries because games of a physical nature, such as dancing games, have an inherent risk. And usually the players' own negligence was the biggest contributing factor to the injury.

But Nintendo has been around the block. The company has prominent warnings and disclaimers on the game. Plus, the terms of use statement for Pokémon Go reads, "you are waiving your right to a trial by jury or to participate as a plaintiff or class member in any purported class action or representative proceeding."

So don't expect Nintendo to pay up if you get hurt playing Pokémon Go. In that case, please, please play it safe.

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