

Rock On

By Reg P. Wydeven
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For the first time in my life, I got up at the crack of dawn to go Christmas shopping on the day after Thanksgiving. Being too chicken to face the stiff competition alone, my dad went with me – “Anything for my grandkids,” he said.

I picked him up at 4:30 and we were in Wal-Mart ten minutes later, with plenty of time to spare before the 5 a.m. kick-off. Although we're seasoned shoppers, my dad and I clearly weren't prepared for the violence that accompanies Black Friday. I haven't done that much blocking, stiff-arming, and tackle-breaking since my high school football days. And I haven't shed that many tears since watching 'Old Yeller.'

Thankfully we limped out of the store with everything we hoped to buy. Even if I am fully recovered by next Thanksgiving, I don't know if I'll have the courage to face that carnage again. One of the hot ticket items this Christmas that has been attributable to some of the shopping bloodshed is 'Guitar Hero.'

This popular video game allows players to live out their rock 'n' roll dreams by jamming on a special guitar that hooks into their video game console. The better the player's guitar licks are, the higher his score is and the sooner he becomes a rock legend. The game is a best seller and hard to come by this Christmas shopping season as it seems everyone wants one. Well, almost everyone.

The rock band The Romantics has filed a federal lawsuit against Activision Inc., the maker of 'Guitar Hero.' According to the lawsuit, the group alleges the 'Guitar Hero Encore: Rocks the 80s' version of the game infringes on the band's rights by featuring a recording of a song that they claim sounds just like their 1980 hit 'What I Like About You.' The song is one of 30 tunes featured in the game.

Strangely, The Romantics are not claiming Activision infringed on the band's copyright. In fact, Activision properly secured permission to use 'What I Like About You,' and was allowed to record a cover version of the tune. Instead, the band alleges that Activision created an imitation so much like the Romantics' original song, the company infringed on the band's rights to its own likeness.

The lawsuit was filed in U.S. District Court in Detroit, The Romantics' hometown, and seeks unspecified damages. The band also is seeking an injunction to take the best-selling game off store shelves.

Another rock band, the Red Hot Chili Peppers, is also headed to court. The group filed suit against Showtime Networks over the name of its television series 'Californication,' which is also the name of the band's 1999 album featuring a hit single with the same name. The show features a character named 'Dani California,' which is also the title of a 2006 Red Hot Chili Peppers song.

The Chili Peppers' suit alleges unfair competition, dilution of the value of the name and unjust enrichment, claiming 'Californication' is inherently distinctive, famous ... and immediately associated in the mind of the consumer with the band. The suit seeks a permanent injunction barring Showtime from using the title for the show, damages and restitution and disgorgement of all profits derived by the network.

Who knew being a Guitar Hero could have so many legal troubles.