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LAWFUEL - The LA Times reports that Viacom went to great expense to ...

Posted on Saturday, April 07, 2007

LAWFUEL - The LA Times reports that Viacom went to great expense to detail the posting of its products on YouTube.

Sumner Redstone, Viacom Inc.'s 83-year-old chairman, got the call Monday at the Four Seasons Resort Costa Rica telling him that the company he controls was declaring war on Internet giant Google Inc. after months of failed talks.

Vacationing with his wife Paula, Redstone was informed by Chief Executive Philippe Dauman that the media company would be suing Google the following day for more than \$1 billion.

Redstone was all for it — Viacom had failed for months to persuade Google to pay what it believed it was owed for allowing clips from its cable channels such as Nickelodeon, MTV and Comedy Central to be posted without permission on Google's popular YouTube website.

"Any company or any person who illegally misappropriates our product has to be stopped," Redstone said. "And this lawsuit is a way of stopping them."

The lawsuit, filed Tuesday in U.S. District Court in New York, culminated months of careful preparation by Viacom to build the most serious case Hollywood has brought yet against Silicon Valley over paying for TV shows and movies that Web technology has made so easy to copy and view.

The lawsuit also introduces Google unwittingly to the entertainment industry's hardball ways in which companies think nothing of going to court to settle differences. Viacom, and Redstone in particular, over the years has been among the industry's most tenacious companies in disputes.

Google Chief Executive Eric Schmidt told an investment conference that he discovered being a player in the media industry means "you are sued to death." In a statement, the Mountain View, Calif.-based company said it was confident it "respected the legal rights of copyright holders and believes the courts will agree."

To lay the groundwork, Viacom hired workers and contractors to scour every corner of YouTube's site at a cost General Counsel Michael D. Fricklas put at "tens of thousands of dollars a month."

Using "crawler" software for its reconnaissance, BayTSP reviewed some 1.8 million videos for keywords such as "Beavis and Butthead" from Viacom's MTV, "SpongeBob SquarePants" from Nickelodeon and "Jon Stewart" from Comedy Central's "The Daily Show." More than 150,000 clips were identified as improper, which Viacom estimated had been viewed 1.6 billion times.

But Viacom didn't want to shoot and miss in filing its claim. So it had to painstakingly verify whether clips were improperly copied, might be considered fair use or were even relevant to its lawsuit.

For example, was a clip featuring comedian Jon Stewart in the title lifted from Comedy Central's "The Daily Show," or did it come from one of his outside appearances? Snippets of a video from MTV meshed with an amateur one could be considered fair use. And a clip with Comedy Central's "Stephen Colbert" in the title might simply be an amateur stand-up desperate for the attention of viewers.

As a result, dozens of workers had to spend hours effectively being paid to watch YouTube.

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Today is the 16th of June

1654 - Queen Christina of Sweden, a convert to Roman Catholicism, abdicates her throne.

1958 - Former Hungarian prime minister Imre Nagy is executed for his role in the anti-Soviet uprising of 1956.