



Blogger Perez Hilton Hit With Photo Agency Copyright Claim

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Popular celebrity gossip blogger Perez Hilton was sued Thursday in Los Angeles federal court by the X17 photo agency, which is claiming his site blatantly uses its copyrighted images without permission.

The suit seeks more than \$7.5 million in damages for at least 51 acts of willful infringement.

"He's consistently infringing on our big, exclusive scoops, which completely destroys our sales because the magazines are not willing to pay top-dollar for these images," says X17 vp Brandy Navarre. "We have been on the verge of making these sales to TV or magazines and they've specifically cited the publication of the images in perez Hilton.com as a reason for not licensing the images."

The complaint filed by John Tehranian of Turner Freen Afrasiabi & Arledge in Costa Mesa, Calif., alleges infringements from March to Nov. 27. Tehranian said infringements likely go back even further.

"He's been completely on notice for months now and basically has told everyone, 'Too bad,' "he added.

Hilton whose real name is Mario Lavandeira, has become a popular blogger by posting full-size photos of celebrities alongside snarky commentary and drawings.

Hilton wrote in an e-mail Thursday that he was aware of the dispute and had engaged Bryan Freedman of Los Angeles' Freedman & Taitelman to represent him in the case.

"I have yet to be personally served with this lawsuit," Hilton wrote. "My lawyers and I will address the situation when we have the opportunity to review the materials."

Freedman said he had not reviewed the complaint but planned to "vigorously defend" his client's First Amendment rights.

An exhibit attached to the complaint indicated that perez Hilton.com displayed numerous X17 photos, including ones of pregnant Katie Holmes, Jessica Simpson shipping, Britney Spears driving with her son, Christine Aguilera and her husband dressed up for Halloween, and Cameron Diaz golfing.

Over the Thanksgiving holiday alone, the Web site allegedly used at least seven of X17's photos of Britney Spears and Paris Hilton partying in Los Angeles.

Tehranian said it wasn't so much the use of the Spears-Hilton photos that pushed the agency to file suit, but more Hilton's "unrepentant behavior."

"He's been brazen and unapologetic," he said. "It's as simple as a right-click (on a computer mouse) and a 'save as,' and he reproduces them on his Web site."

Hilton's isn't the only Web site that posts copyrighted photos from X17 and other agencies. Several celebrity blogs have become wildly popular Internet destinations in recent years. But Tehranian said that Hilton has been targeted because he has refused to take down photos and has boasted that the site makes money from advertising.

A posting today claims the site received 3.97 million unique visitors in a recent 24-hour period.

Jason Schultz, a staff attorney with digital civil liberties group the Electronic Freedom Foundation, said Hilton will likely argue fair use as a defense to the infringement claim.

"Then the court will weigh the factors -- whether or not he's commercial, and it looks like he is, whether it's artistic commentary or statement and how much money he's taking away from the copyright owner."

Schultz also said a key factor is whether Hilton hosts the copyrighted photos on his site or merely links to them from the X17 Web page.