

AOL-Time Warner threatens children running Harry Potter fan sites

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A 15-year-old girl from West Yorkshire, England has found herself at the centre of a raging battle being waged by media conglomerate AOL-Time Warner against young fans of the “Harry Potter” books.

Schoolgirl Claire Field, who had set up a not-for-profit web site for fellow Harry Potter fans, received a threatening letter from Warner Brothers at the end of last year demanding she hand her site's domain name over to them.

AOL-Time Warner subsidiary Warner Brothers recently purchased the movie rights to the books, written by J.K. Rowling, and are preparing a film based on the first story “*Harry Potter and the Philosopher's Stone*”.

Shortly after acquiring the “Harry Potter” intellectual property rights and trademark, and also control of other words appearing in the novels, Time Warner brought a case before the World Intellectual Property Organisation (WIPO). The action was taken against a company named HarperStephens and concerned the registration of more than 100 domain names that included the words “Harry Potter” or other words linked to the stories.

The WIPO is a United Nations panel set up to resolve disputes over the names used to locate web sites on the Internet, in a manner that avoids expensive court actions. This is supposed to prevent so-called “cyber-squatting” by a third party: i.e. the selling on of domain names that closely resemble company names or trade marks. The names registered by HarperStephens included [findharrypotter.com](#), [findharrypotter.org](#), [findharrypotter.net](#), [theharrypottermovie.com](#), etc., and were clearly intended for commercial use. Also counting against HarperStephens was the fact that the names had all been registered almost immediately Warner Brothers announced their intention to make the

Harry Potter movie.

In this instance, the conflict was clearly one between competing commercial interests and it would not have been too difficult for Warner Brothers to win in a court battle. In the case of 15-year-old Claire Field, however, there is no question of cyber-squatting or any other pursuit of commercial gain. Like thousands of other teenagers, Claire is a fan of Rowling's work and had set up a useful resource for likeminded young people to exchange ideas, find news and generally discuss the new literary phenomenon, which has been credited with getting many children interested in reading again.

Field's web site [www.harrypotterguide.co.uk] clearly states on its opening page that it is an unofficial site with no connections to J.K. Rowling, Warner Brothers, or the book's publishers, Bloomsbury Publishing PLC and Scholastic Inc. She then provides links to all of these companies.

(The domain name itself is an accurate description of the purpose of the site: a guide to the Harry Potter stories and their many characters. The British domain names arbitrator Nominet has already indicated that it would grant the name to Field.)

On December 1 last year Claire received a letter from Neil Blair, the Director of Legal & Business Affairs for Warner Brothers, which said: “Ms. Rowling and Warner Bros. are concerned that your domain name registration is likely to cause consumer confusion or dilution of the intellectual property rights... Your registration of the above domain name [www.harrypotterguide.co.uk], in our opinion, is likely to infringe the rights described above and we would ask therefore that you please, within 14 days of today's date, provide written confirmation that you will as soon as practicable (and in any event within 28 days of today's date) transfer to Warner Bros. the above domain

name. We are prepared to reimburse the registration fee [£9.99] incurred in your registering the above mentioned domain name.”

Upon receiving the letter, Ms Field's father Les wrote to the *Daily Mirror* newspaper. After being picked up by Reuters and several Internet news sites, the story solicited a response from *The Hollywood Report*. The article, dated December 8 and reproduced in a press pack issued by Field's solicitor, says that “Reports of Warner Bros.' threatening a 15-year-old girl with legal action over the Harry Potter Web site she built are greatly exaggerated.” The article cites complaints by the moviemakers that “Instead of responding to Warner Bros., Field chose to tell the media about the letter.”

In refusing to simply hand over the domain name and preparing to defend her legal right to run the site, Field has presented a nightmare for AOL-Time Warner, who could have a difficult time winning in the courts.

Others fans have even called for a worldwide boycott of merchandise featuring Harry Potter.

Heather Lawver is a 16-year-old from the US who runs a web site called the *Daily Prophet*, named after the “*Wizard*” newspaper in the Harry Potter stories. After receiving letters demanding she shut down her site, Lawver teamed up with Alistair Alexander, a 33-year-old from London, to launch the “Defence Against the Dark Arts” project at www.potterwar.org.uk.

The web site, dedicated to opposing the actions of Warner Brothers, carries a financial appeal for Field's legal fund and messages of support. In a page called “How it all began,” the site lists others who have fallen victim to Warner Brother's attacks upon fan sites.

* Catherine Chang, aged 15 from Singapore, received a letter in relation to her site at HarryPotterNetwork.net.

* Sung, the 12-year-old owner of HarryPotterFAQ.com, is reported to have also received a letter from Warner Brothers' legal department, though the site says it has not seen the contents of the letter.

* 13 year olds Ross and Peter, owners of Harry-Potter-World.com, have also received letters from Warner Brothers.

* Tom (13), who set up Hogwartsonline.net, named after the school of wizardry attended by the Harry Potter character, has also received a letter.

The potterwar.org.uk site also presents an appeal to the author of the Harry Potter books: “This site is set up

to protest at what's being done to Harry Potter fans in the name of J.K. Rowling, and as an expression of support for everyone currently getting the third degree from Warners.

“So far, J.K. Rowling has not commented. Joanne, Joanne—why have you forsaken us?”

Field has also received the backing of UK Internet news site *The Register*, who report, “Apart from a number of readers pledging money to a war fund, we have also had a man offering a ‘.ca’ Harry Potter domain to Claire, an ISP [Internet Service Provider] offering to host the site if her ISP gets cold feet and various emails from other people that have been harassed by Warner Brothers for their URLs.”

What makes the stories such an attractive commercial proposition is their tremendous popularity with young people. Having acquired the film rights to Harry Potter, AOL-Time Warner is now seeking to assert their control over anything remotely connected with the books or the forthcoming movie.

In doing so the company is attacking the very strength of the stories, the imaginative response they have provoked, expressed in the creation of fan sites that AOL-Time Warner are seeking to shut down.



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