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 9 TOKYO BROADCASTING SYSTEM, INC.

10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

12
 13 TOKYO BROADCASTING
 SYSTEM, INC., a Corporation
 14 registered in Japan,

15 Plaintiff,

16 vs.

17 AMERICAN BROADCASTING
 COMPANIES, INC. a New York
 18 Corporation; and DOES 1 through
 10, inclusive,

19 Defendants.

CASE NO. **CV08-06550 SJO (CWX)**

COMPLAINT FOR:

- (1) **COPYRIGHT INFRINGEMENT**
(17 U.S.C. § 501)
- (2) **CALIFORNIA UNFAIR**
COMPETITION
(Cal. Bus. & Prof. Code § 17200)
- (3) **COMMON LAW UNFAIR**
COMPETITION

DEMAND FOR JURY TRIAL

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1 Plaintiff Tokyo Broadcasting System, Inc. ("TBS" and "Plaintiff")
2 through the undersigned attorneys, alleges as follows:

3 **INTRODUCTION**

4 1. The reality television series "Wipeout" aired by Defendant
5 American Broadcasting Companies, Inc. ("ABC") more aptly might be entitled
6 "Swipe-Out," given that it is nothing more than a blatant copycat combination of
7 protected elements stolen from Plaintiff's original, innovative and highly successful
8 reality television shows "Takeshi's Castle," "Most Extreme Elimination Challenge"
9 ("MXC"), "Sasuke," "Kunoichi," "Ninja Warrior" and "Women of Ninja Warrior"
10 (collectively, the "Shows").

11 2. From the moment ABC revealed "Wipeout" to the public, that
12 program has routinely been described in the press as a "rip-off" and "knockoff" of
13 Plaintiff's Shows. Apparently, ABC boldly decided that it need not obtain
14 Plaintiff's permission to use the content of the Shows despite the obvious need for
15 ABC to do so. ABC's willful and wrongful use of Plaintiff's Shows to create
16 "Wipeout" is egregious, inexcusable and not to be tolerated.

17 **JURISDICTION AND VENUE**

18 3. This Complaint alleges copyright infringement arising under the
19 Copyright Act, 17 U.S.C. §§ 101, *et seq.* The amount in controversy exceeds the
20 sum or value of \$75,000, exclusive of interest and costs. This Court has subject
21 matter jurisdiction pursuant to 17 U.S.C. § 501, 15 U.S.C. § 1121(a), and 28 U.S.C.
22 §§ 1331, 1332(a), 1338(a) and 1367.

23 4. Venue for this action properly lies in this District pursuant to
24 28 U.S.C. § 1391(b) and (c) because Defendants reside or can be found in this
25 District and a substantial part of the events or omissions giving rise to the claims
26 arose in this District.

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PARTIES

5. TBS is, and at all times herein mentioned was, a Japanese corporation with its principal place of business in Tokyo, Japan. TBS solely owns the Japanese copyright in each episode of "Takeshi's Castle." TBS owns the Japanese copyright in each episode of "Sasuke," "Kunoichi," "Ninja Warrior" and "Women of Ninja Warrior," and Monster 9, Ltd. is a co-owner with TBS of some of the episodes of those shows. TBS co-owns the U.S. copyright with RC Entertainment in each episode of "MXC."

6. Plaintiff is informed and believes, and on that basis alleges, that ABC is, and at all times herein mentioned was, a New York corporation and is qualified to do business and is doing business in the State of California. Plaintiff is further informed and believes, and on that basis alleges, that ABC is involved in the production, development, distribution, sale and public display of "Wipeout."

7. Plaintiff does not know the true names and capacities of those Defendants sued herein as DOES 1 through 10, inclusive, and therefore sue these Defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when such are ascertained. Plaintiff is informed and believes, and on that basis alleges, that each of the Defendants sued herein as DOES 1 through 10, inclusive, is in some manner legally responsible for the wrongful acts set forth herein.

8. Plaintiff is informed and believes, and on that basis alleges, that Defendants, and each of them, are and were at all times herein mentioned the agents, servants, employees, joint venturers or co-conspirators of each of the other Defendants, and at all times herein mentioned were acting within the course and scope of said agency, employment or service in furtherance of the joint venture or conspiracy.

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1 Thus, "Sasuke" is a very well-known, successful and popular television show in
2 Japan.

3 13. Due to the great success and international popularity of
4 "Sasuke," it has been licensed in several countries, including in the United States,
5 the United Kingdom, Greece, France, New Zealand, Hong Kong and Taiwan.

6 14. In the United States, the television network G4 has aired
7 "Sasuke" under the name "Ninja Warrior" almost every weeknight since 2006.
8 Each "Ninja Warrior" episode is comprised of a thirty-minute portion of a "Sasuke"
9 special, during which the play-by-play commentary and interviews with contestants
10 are subtitled in English, and the introduction, contestant profiles and replays are
11 dubbed by a voice actor. "Ninja Warrior" is a very well-known, successful and
12 popular television show in the United States.

13 15. "Kunoichi" is a spin-off of "Sasuke" that is restricted to female
14 contestants who compete in a variety of physical challenges, such as obstacle
15 courses, that test their physical ability. "Kunoichi," which is also produced by TBS
16 and Monster 9 or Dreamax, has aired on TBS and its network in Japan since in or
17 about 2001. "Kunoichi" is a very well-known, successful and popular television
18 show in Japan.

19 16. In the United States, "Kunoichi" has been broadcast under the
20 name "Women of Ninja Warrior" on the G4 television network on many
21 weeknights since 2007. Just like "Ninja Warrior," the play-by-play commentary
22 and interviews with contestants are subtitled in English, and the introduction,
23 contestant profiles and replays are dubbed by a voice actor. Both "Ninja Warrior"
24 and "Women of Ninja Warrior" are very well-known, successful and popular
25 television show in the United States.

26 17. Plaintiff is informed and believes, and on that basis alleges, that
27 ABC is involved in the production, development, distribution, sale and public
28 display of television shows.

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1 18. Plaintiff is informed and believes, and on that basis alleges, that
2 Defendants had knowledge of and were familiar with the Shows before Defendants
3 created – using that term loosely – “Wipeout.” Indeed, it is a common custom and
4 practice in the United States television industry to obtain copies of and view
5 television programs (especially popular programs) airing in other countries,
6 including Japan, and several of the Shows were and are broadcast in the United
7 States.

8 19. Plaintiff is informed and believes, and on that basis alleges, that
9 ABC started to develop “Wipeout” in early 2008.

10 20. Plaintiff is informed and believes, and on that basis alleges, that
11 in or about March 2008, ABC announced for the first time its plans to broadcast
12 “Wipeout” starting in or about June 2008.

13 21. Plaintiff is informed and believes, and on that basis alleges, that
14 ABC began airing “Wipeout” in the United States in or about June 2008.

15 22. Plaintiff is informed and believes, and on that basis alleges, that
16 ABC had knowledge of the Shows, including among other things the success of the
17 Shows, before ABC started to develop “Wipeout,” before it announced that it
18 would broadcast “Wipeout” starting in or about June 2008, and before it started to
19 broadcast “Wipeout” in or about June 2008.

20 23. In fact, Plaintiff is informed and believes, and on that basis
21 alleges, that before airing “Wipeout” for the first time, Defendants took steps to
22 ensure that a Google search of the terms “Takeshi’s Castle,” “Ninja Warrior” or
23 “MXC” would result in the Google searcher being directed to “Wipeout on ABC”
24 as a Sponsored Link.

25 24. In a blatant attempt to capitalize on the success of the Shows,
26 Defendants willfully developed an infringing show – “Wipeout” – that incorporates
27 the most significant, original and expressive elements of the Shows. Specifically,
28 and by way of example only, “Wipeout” unlawfully appropriates the premise, the

1 format, the sequence of events, the introductory segment, the tone, the scene set-
2 ups, the narration, the dialogue that arises from constructed situations, the
3 structured before-and-after dialogue, many of the challenges, the dramatic and
4 comedic effect created by the cinematography, and the dramatic and comedic effect
5 created by the music (collectively, the "Elements") of the Shows.

6 25. Thus, like the Shows, "Wipeout" portrays the Elements through,
7 for example:

8 a. The use of several stages during which contestants
9 compete in a variety of silly but difficult physical challenges consisting of huge
10 obstacle courses that most of the contestants are expected to fail;

11 b. The portrayal of the contestants' failed attempts to
12 complete the obstacle courses in a painful and comical fashion, with the audience
13 expected to laugh at the contestants' failures to complete the challenges;

14 c. Highlighting those failures (such as embarrassing slips
15 and falls into water and/or mud) through instant replay, slow-motion and
16 commentary features;

17 d. The use of two fictitious commentators to make funny
18 comments about the contestants as well as their failures;

19 e. The similar use of camera angles, instant replay and slow-
20 motion devices to create dramatic and comedic effects;

21 f. The use of similar introductions to the programs;

22 g. The use of similar ways to introduce some of the
23 challenges;

24 h. The use of similar ways challenges were filmed (such as
25 filming at night and the camera work used) in combination with the use of effects
26 (such as the lighting, flames, and water used);

27 i. The use of drawings to make fun of contestants' failures
28 to complete the challenges;

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j. The use of prizes for which the contestants compete;

k. The use of the same challenges for the contestants, including but not limited to:

(i) An obstacle course in which a contestant must jump on a floating island using a long pole – a challenge used in “Takeshi’s Castle”;

(ii) An obstacle course in which a contestant must leap on top of or run across blocks or inner-tubes – a challenge used in “Takeshi’s Castle” and “Kunoichi”;

(iii) An obstacle course in which a contestant must traverse over several small obstacles floating on water – a challenge used in “Takeshi’s Castle”;

(iv) An obstacle course in which a contestant must leap over or run across spinning logs – a challenge used in “Takeshi’s Castle,” “Sasuke” and “Kunoichi”;

(v) An obstacle course in which a contestant must jump over large balls – a challenge used (with a single giant ball) in “Sasuke”;

(vi) An obstacle course in which a contestant must avoid obstacles while riding on a platform attached to the edge of a rotating arm over water – a challenge used in “Takeshi’s Castle”;

(vii) An obstacle course in which a contestant must jump from one raised and angled beam (or platform) to the next – a challenge used in “Sasuke”;

(viii) An obstacle course in which a contestant must run across a raised unsteady platform and avoid falling off – a challenge used in “Sasuke” and “Kunoichi”;

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1 (ix) An obstacle course in which a contestant must slide
2 down a large slide on a slide – a challenge used in “Takeshi’s Castle” and
3 “Sasuke”;

4 (x) An obstacle course in which a contestant must
5 swing from a rope to jump on a platform – a challenge used in “Takeshi’s Castle”;

6 (xi) An obstacle course in which a contestant must
7 jump across unsteady rotating triangular platforms that are laterally positioned – a
8 challenge used in “Sasuke” and “Kunoichi”; and

9 (xii) An obstacle course in which a contestant must fall
10 down a slope that has multiple obstacles on it – a challenge used in “Takeshi’s
11 Castle”; and

12 1. The elimination of the contestants during the various
13 stages of the competition until there is a winner.

14 26. Individually and collectively, these Elements constitute
15 Plaintiff’s protectable expression, all of which have been unlawfully copied by
16 Defendants, including TBS’s original selection, arrangement and combination of
17 these Elements, which is itself a protectable element.

18 27. “Wipeout” has been widely recognized by industry
19 commentators as a “knockoff” of “MXC” or “Ninja Warrior.” For example,
20 describing “Wipeout” as “a knockoff of a U.S. spoof of a Japanese show,” a
21 commentator pointed out: “‘Wipeout’ is essentially derived from ‘MXC,’ the Spike
22 cable network’s wry ‘Most Extreme Elimination Challenge.’” Variety.com, June
23 25, 2008, attached as Exhibit “A.”

24 28. On June 24, 2008, a commentator on News.bostonHerald.com
25 (attached as Exhibit “B”) opined: “The network declined to provide screeners of
26 either show, but judging from clips, both [‘Wipeout’ and ‘I Survived a Japanese
27 Game Show’] are inspired by and rip off Japanese game shows.” He continued:
28

1 “‘Wipeout’ appears to be so close to Spike TV’s Japanese import ‘MXC: Most
2 Extreme Elimination Challenge’ that it should be paying royalties.”

3 29. Another commentator on Philly.com, July 1, 2008 (attached as
4 Exhibit “C”), stated: “*Wipeout* itself seems a straight steal from Spike TV’s MXC:
5 *Most Extreme Elimination Challenge*.”

6 30. In an article titled, “The worst scam in TV history,” a
7 commentator on Yahoo.rogers.com, July 11, 2008 (attached as Exhibit “D”), said:
8 “Make no mistake about it: *Wipeout* is a blatant rip-off of *MXC*, so much so that
9 when I was watching it, I wrongly assumed that ABC had bought up the rights to
10 the show from Spike (or whoever might’ve owned them back in Japan).”

11 31. A commentator on screenrant.com, July 12, 2008 (attached as
12 Exhibit “E”), described “Wipeout” as follows: “Essentially it’s a rip-off of the most
13 excellent Ninja Warrior which airs on the cable network G4.”

14 32. A commentator on nypost.com July 20, 2008 (attached as
15 Exhibit “F”), stated: “Simply put, the producers of ‘Wipeout’ and ABC don’t want
16 to hear that the series, a hit drawing a weekly average of about 10 million viewers
17 since its debut last month, looks just like the popular Spike TV show ‘MXC.’”

18 33. A commentator on the ChronicleHerald.ca, July 22, 2008
19 (attached as Exhibit “G”), indicated: “Connoisseurs of competition shows have
20 observed that Wipeout bears an eerie similarity to MXC, a rather unique show that
21 originally popped up on the Spike cable channel from 2003 to 2007.”

22 34. The similarities between “Wipeout” and the Shows are multiple
23 and cumulative and, taken as a whole, result in a wholesale copying by Defendants
24 of the protectable expression of the Shows. Defendants have undoubtedly engaged
25 in this unlawful and willful conduct in an effort to achieve some of the Shows’
26 success while simultaneously diminishing the success of the Shows. Defendants’
27 wrongful conduct has caused substantial harm to Plaintiff and must be stopped.

28

FIRST CLAIM FOR RELIEF – COPYRIGHT INFRINGEMENT

17 U.S.C. § 501

(Against Defendants)

35. Plaintiff realleges and incorporates by reference herein each of the allegations in Paragraphs 1 through 34 above.

36. Plaintiff owns the copyrights in the United States for each episode of the Japanese television series “Takeshi’s Castle.” “Takeshi’s Castle” was first published in Japan, which is a member of the Berne Convention. Under 17 U.S.C. § 104(b)(2), TBS is entitled to protection under the Copyright Act. Because each episode of “Takeshi’s Castle” first aired in Japan, under 17 U.S.C. § 411(a), the registration of these copyrights is not a prerequisite to TBS bringing this action for copyright infringement.

37. Plaintiff and RC Entertainment own the copyrights in the United States for each episode of the United States television series “MXC.” Plaintiff applied to the U.S. Copyright Office for registration for the episodes of “MXC” and submitted the appropriate application, deposit and fees.

38. Plaintiff and Monster 9 co-own the copyrights in the United States for some episodes of the Japanese television series “Sasuke” and “Kunoichi.” “Sasuke” and “Kunoichi” were first published in Japan, which is a member of the Berne Convention. Under 17 U.S.C. § 104(b)(2), Plaintiff and Monster 9 are entitled to protection under the Copyright Act. Because each episode of “Sasuke” and “Kunoichi” first aired in Japan, under 17 U.S.C. § 411(a), the registration of these copyrights is not a prerequisite to TBS and Monster 9 bringing this action for copyright infringement.

39. Plaintiff is informed and believes, and on that basis alleges, that Defendants copied the Shows and the protectable expression contained therein, including both the individual protectable expressive Elements of the Shows and the expressive manner in which Plaintiff has selected, compiled, arranged, sequenced

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1 and combined the protectable and non-protectable elements of the Shows. Plaintiff
2 is informed and believes, and on that basis alleges, that Defendants copied the
3 original artistic and creative choices that comprise Plaintiff's expression of the
4 premise and the Elements of the Shows.

5 40. Plaintiff is informed and believes, and on that basis alleges, that
6 Defendants knowingly and willfully copied the Shows and the protectable
7 expression contained therein, including both the individual protectable expressive
8 Elements of the Shows and the expressive manner in which Plaintiff has selected,
9 compiled, arranged, sequenced and combined the protectable and non-protectable
10 elements of the Shows. Plaintiff is informed and believes, and on that basis alleges,
11 that Defendants knowingly and willfully copied the original artistic and creative
12 choices that comprise Plaintiff's expression of the premise and the Elements of the
13 Shows.

14 41. Defendants unquestionably had access to the material contained
15 in the Shows because: (a) "Takeshi's Castle" had been broadcast in Japan from
16 1986 to 1989; (b) the other Shows have been continually broadcast on either
17 Japanese or United States television; and (c) it is common custom and practice in
18 the United States television industry to obtain copies of and view television
19 programs airing in other countries, including Japan.

20 42. "Wipeout" is substantially similar to the Shows.

21 43. "Wipeout" is strikingly similar to the Shows.

22 44. The total concept and feel of the Shows, on the one hand, and
23 "Wipeout," on the other hand, are substantially similar.

24 45. As a direct and proximate result of Defendants' infringing use of
25 the copyrighted material in violation of Plaintiff's exclusive rights under 17 U.S.C.
26 § 106, Plaintiff has suffered, and will continue to suffer, severe injuries and
27 damages, and are entitled to those damages permitted by federal copyright law,
28 including but not limited to, compensatory damages and the profits derived by

1 Defendants as a result of their infringing acts, in an amount to be determined
2 according to proof at trial.

3 46. Plaintiff requests that Defendants be enjoined from any further
4 infringing acts.

5 **SECOND CLAIM FOR RELIEF – CALIFORNIA UNFAIR COMPETITION**

6 **Cal. Bus. & Prof. Code § 17200**

7 **(Against Defendants)**

8 47. Plaintiff realleges and incorporates by reference herein each of
9 the allegations in Paragraphs 1 through 46 above.

10 48. By reason of the foregoing, including Defendants’ unlawful
11 conduct in violation of the Lanham Act, 15 U.S.C. §§ 1051, *et seq.*, Defendants
12 have been and are engaged in acts of unfair competition in violation of Section
13 17200 of the California Business and Professions Code.

14 49. Plaintiff is informed and believes, and on that basis alleges, that
15 Defendants have committed the acts complained of herein with full knowledge of
16 Plaintiff’s rights and of the infringement of those rights caused by Defendants’ acts.
17 Defendants have committed said acts with the intent to confuse and mislead the
18 viewing public and cause injury to Plaintiff.

19 50. Defendants’ acts may be enjoined under Section 17203 of the
20 California Business and Professions Code. Plaintiff is entitled to an injunction
21 restraining Defendants and their officers, agents, and employees, and all persons
22 acting in concert with them, from further engaging in their unfair competition
23 against Plaintiff as set forth herein.

24 51. Plaintiff is also entitled to full restitution for Defendants’ acts of
25 unfair competition and violations of law. Plaintiff is informed and believes, and on
26 that basis alleges, that Defendants, and each of them, have already received profits
27 as a result of their acts and conduct alleged above. Plaintiff therefore seeks
28 disgorgement of all profits earned by Defendants, and each of them, as a result of

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1 their conduct in violation of Section 17200 of the California Business and
2 Professions Code.

3 **THIRD CLAIM FOR RELIEF – COMMON LAW UNFAIR COMPETITION**

4 **(Against Defendants)**

5 52. Plaintiff realleges and incorporates by reference herein each of
6 the allegations in Paragraphs 1 through 51 above.

7 53. Defendants are unfairly competing with Plaintiff by
8 misappropriating Plaintiff’s intellectual property and using it in “Wipeout.”

9 54. Defendants are unfairly competing with Plaintiff by diluting the
10 unique value of Plaintiff’s Shows and causing confusion among viewers of the
11 programs.

12 55. As a direct and proximate result of the Defendants’ acts of
13 unfair competition, Plaintiff has suffered, and will continue to suffer, severe injuries
14 and damage, and is entitled to compensatory damages, in an amount to be
15 determined according to proof at trial.

16 56. Plaintiff is informed and believes, and on that basis alleges, that
17 Defendants’ acts were done to take advantage of Plaintiff’s original creation for
18 their own personal and commercial advantage. Plaintiff is informed and believes,
19 and on that basis alleges, that Defendants have committed the aforementioned acts
20 with the intent to deprive Plaintiff of property or legal rights, or otherwise cause
21 Plaintiff injury, and in conscious disregard of Plaintiff’s rights, and that in doing the
22 acts described herein and above, each of Defendants acted with oppression, fraud,
23 and malice and ill will toward Plaintiff and in wanton disregard of Plaintiff’s rights,
24 so as to justify an award of exemplary and punitive damages.

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PRAYER FOR RELIEF

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WHEREFORE, Plaintiff prays for judgment against each of the Defendants as follows:

1. That judgment be entered for Plaintiff and against Defendants on each of Plaintiff's claims for relief;

2. That Defendants and their agents, servants, employees, attorneys, and those acting in concert or participation with any of them be enjoined and restrained from infringing Plaintiff's copyright interest in each episode of the Shows;

3. That Defendants and their agents, servants, employees, attorneys, and those acting in concert or participation with any of them be enjoined and restrained from otherwise competing unfairly with Plaintiff;

4. At Plaintiff's election, that statutory damages be awarded to Plaintiff for Defendants' infringement of their copyright interests in each episode of the Shows;

5. That judgment be entered for Plaintiff against Defendants for actual damages, in an amount to be determined according to proof at trial;

6. That Defendants be required to account for all gains, profits and advantages derived from their acts of infringement and other violations of law;

7. That all gains, profits and advantages derived by Defendants by acts of infringement and other violations of law be deemed to be in constructive trust for the benefit of Plaintiff, to be disgorged to Plaintiff;

8. That Plaintiff be awarded treble damages, punitive and exemplary damages against Defendants;

9. That judgment be entered for Plaintiff against Defendants for the costs of suit and attorneys' fees; and

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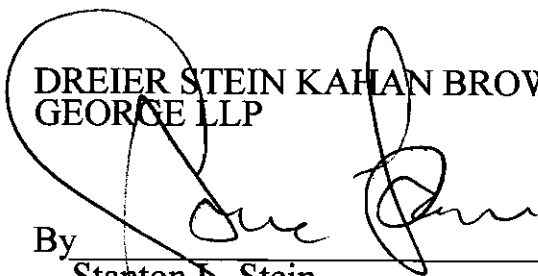
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10. For such other and further relief as the Court deems just,
equitable and proper.

DATED: October 6, 2008

DREIER STEIN KAHAN BROWNE WOODS
GEORGE LLP



By _____
Stanton D. Stein
Attorneys for Plaintiff
TOKYO BROADCASTING SYSTEM, INC.

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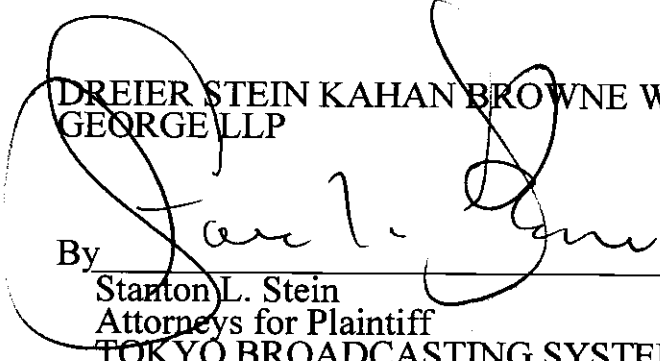
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DEMAND FOR JURY TRIAL

Plaintiff Tokyo Broadcasting System, Inc. hereby requests a trial by jury.

DATED: October 6, 2008

DREIER STEIN KAHAN BROWNE WOODS
GEORGE LLP



By _____
Stanton L. Stein
Attorneys for Plaintiff
TOKYO BROADCASTING SYSTEM, INC.

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http://www.variety.com/index.asp?layout=print_review&reviewid=VE1117937508&categoryid=32

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Posted: Wed., Jun. 25, 2008, 9:30am PT

I Survived a Japanese Game Show / Wipeout

(Series -- I Survived a Japanese Game Show - ABC, Tue. June 24, 9 p.m.

Wipeout - ABC, Tue. June 24, 8 p.m.) **I Survived a Japanese Game Show**

Produced by A. Smith & Co. Prods. and Babyfoot. Executive producers, Arthur Smith, Kent Weed, David Sidebotham, Karsten Bartholin, Tim Crescenti.

Wipeout

Produced by Pulse:Creative and Endemol USA. Executive producer, Matt Kunitz; co-executive producers, Scott Larsen, Shye Sutherland; supervising producer, Kevin Wehrenberg.

I Survived a Japanese Game Show

Host/interpreter: Tony Sano. With: Rome Kanda.

Wipeout

Host: John Henson, John Anderson. Co-hosts: Jill Wagner.

By **BRIAN LOWRY**

ABC introduced two Japanese-inspired gameshows on Tuesday, but the combined effect only highlighted the cultural rift. "Wipeout," a knockoff of a U.S. spoof of a Japanese show (how meta is that?), feels mean-spirited and heavy on rim shots; while "I Survived a Japanese Game Show" is an elimination game with an "Amazing Race" wrinkle, and some of the ugliest Americans that reality casting gurus have dredged up yet. If nothing else, consider this another demonstration of the new-media drift, as both shows are probably better consumed online in two-minute clips than absorbed over a tedious hour.

"Wipeout" is essentially derived from "MXC," the Spike cable network's wry "Most Extreme Elimination Challenge," which took a wacky old Japanese stunt show and --a la Woody Allen's "What's Up, Tiger Lily?" -- dubbed the hosts and contestants. Yet with ESPN's John Anderson flanked by comic John Henson dashing off witticisms better suited to his old gig on E!'s "The Soup," the exercise has a nasty, repetitive tone, frequently touting the show as one where "people risk bodily harm so you can point and laugh."

Nobody was harmed during the premiere, but nobody came close to finishing the opening obstacle course without several slow-motion-replay spills, either. Indeed, some of the exaggerated hazards

appeared virtually impossible to navigate, making the spectacle less an "American Gladiators"-style competition (for \$50,000! Woo-hoo!) than an excuse to watch people get soaked in mud and carom off oversized rubber balls before plunging into water.

"It never gets old," useless co-host Jill Wagner chortled. But it does, and with surprising alacrity -- as does Anderson and Henson's smug borscht-belt banter, which practically screams for zany sound effects.

"I Survived a Japanese Game Show," by contrast, adopts the format of a conventional elimination contest set in an exotic locale, with 12 Americans whisked off to Japan. They remain unclear on what the game is right up until they're divided into two teams and forced to compete on a you-know-what.

Still, the Japanese fascination with absurd stunts (dressing two players as huge bugs and having them splat against a wall, for example) and public humiliation as good TV fun has a rather acrid taste stripped of cultural context. The only compensating factor to a Japanese studio audience howling and jeering at the U.S. competitors, in fact, is that the "I ain't never been outside of the country" Americans chosen to participate are, initially, equally poor ambassadors.

Based strictly on the promos -- which seemed to air constantly throughout the NBA playoffs -- these series possessed the look of a welcome summer romp. The solid premiere ratings for "Wipeout," in particular, suggest that it at least might work out that way, though given "Gladiators'" downward rating arc, it might also have a rapid expiration date.

As executed, though, what should have been mindless fun somehow feels more like one step closer to "The Running Man." And when we finally get to that point, the joke's on all of us.

I Survived a Japanese Game Show

Supervising producers, Jonathan Chinn, Amy Jacobson, Blake Levin; story producer, Damiana Hook; director, Weed. RUNNING TIME: 60 MIN.

Wipeout

Series producer, Trice Barto; story producer, Daniel Blau; supervising editor, David Armstrong. RUNNING TIME: 60 MIN.

Read the full article at:

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Wheel of misfortune Networks go the cheap route with second-rate game shows

By Mark A. Perigard | Tuesday, June 24, 2008 | <http://www.bostonherald.com> | Television News

What if the creators of Showtime's raunchy "Californication" decided to make a game show?

It might look like NBC's "Celebrity Family Feud."

In this prime-time remake of the syndicated show (debuting Tuesday night at 8 on WHDH, Ch. 7), C-list celebrities and their families compete against one another to raise money for charity.

The first question sets the tone. "Today" weatherman and host Ai Roker says, "Name something that's slippery and hard to hold onto."

NBC has the good sense to bleep the answer from "Law & Order: Special Victims Unit" co-star Ice-T.

That doesn't stop Roker from yelling, "Show me Captain Winky."



Want to start a feud in your house? Be stupid enough to show this needlessly risqué remake to children.

Across the dial, ABC unveils "I Survived a Japanese Game Show" (Tuesday at 8 p.m. on WCVB, Ch. 5) and "Wipeout" (at 9).

The network declined to provide screeners of either show, but judging from clips, both are inspired by and rip off Japanese game shows, which tend to be more physical, silly and sadistic.

"Wipeout" appears to be so close to Spike TV's Japanese import "MXC: Most Extreme Elimination Challenge" that it should be paying royalties.

These new shows join such fare as "The Mole," "American Gladiators" and "Million Dollar Password."

Some might suspect the networks are on the verge of a full-fledged game show revival in prime time.

So why aren't we having fun?

As in previous years, network viewership now is about half of the fall season, according to Nielsen Media Research.

Given the economic meltdown and the rising popularity of "staycations," it seems likely viewers are staying away because they can't find anything worth watching.

There's no proof that viewers want to play as much as the networks think. Of the current shows, only "Password" is demonstrating any ratings clout. "Gladiators" sinks lower each week. "The Mole" is buried so deep it will be lucky to finish its run.

What these shows have in common is that they are cheap to produce. The hourlong "Celebrity Family Feud" gives a successful team a measly \$50,000 for charity. That's pocket change for a network as large as NBC.

This game show revival may just be a blip. Comedy Central resurrects '70s cult favorite "The Gong Show" next

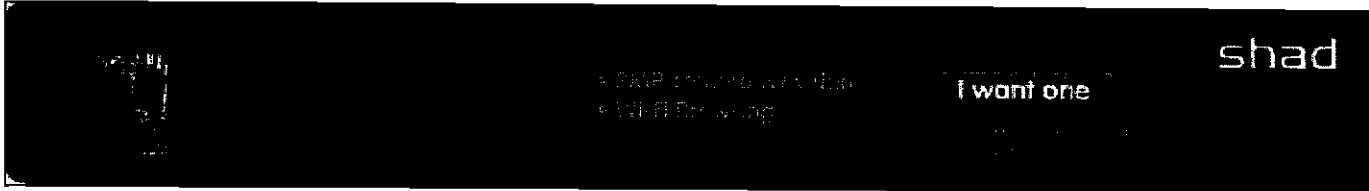
month.

The surest sign a fad is over is when it is parodied.

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Posted on Tue, Jul. 1, 2008

Jonathan Storm: No-shame shows, two of 'em plopping onto ABC



By Jonathan Storm

Inquirer Television Critic

Here's a turnaround.

The whole point of ABC's new *Wipeout* is to entertain viewers as they watch assorted dunderheads slip, sprawl and splat their way to oblivion in tanks of water and vats of glop.

Yet the show itself, airing at 8 tonight on 6ABC, rose like cream to the top of the ratings last week in its premiere: ABC's biggest summer series debut in three years, the best summer premiere since NBC's *The Singing Bee* in 2007, and an especially strong performer with men and young people, who can't seem to get enough mud, wet and folks falling on their rears.

You won't be surprised to learn that executive producer Matt Kunitz has a track record with this stuff as executive producer of *Fear Factor*. The phenomenon is "very similar to when we launched *Fear Factor*," he mused in a phone interview: Promotional saturation during the National Basketball Association finals, which were then on NBC, preceded a huge male audience for the premiere.

Though it pulled the same sort of criticism that's sure to pile up on *Wipeout*, *Fear Factor* continued as a popular success. Kunitz seems to have a bead on one aspect of the American psyche, even if his new show, along with its new Tuesday-night game-show stablemate, has its roots in Japan.

TV humiliation is an exalted science in straitlaced Japan, a sort of safety valve on a pressure-cooker culture, and *Wipeout*'s sister silliness, *I Survived a Japanese Game Show*, airing tonight at 9 on 6ABC, is shot there. Its premiere also sizzled, at a slightly lower temperature, in the ratings:

American contestants range from smoking Meaghan Cooper, 22, a San Antonio bartender, through 44-year-old Ben Hughes, groundhog handler from Punxsutawney, Pa., to Justin

Wood, 24, occupation uncertain, from Trussville, Ala. (an apt hometown considering the apparent injury potential of these shows).

The players must compete in *Majide*, a real Japanese game show. But they also live together in the Tokyo suburbs and make more typical behind-the-scenes American TV show moves, including the devious back-stab and the bodacious chest display.

Wipeout itself seems a straight steal from Spike TV's *MXC: Most Extreme Elimination Challenge*, classic scenes from actual Japanese obstacle-course TV foolishness with dubbed English commentary that makes it all the more hilarious.

Kunitz is having none of this copycat talk. "I didn't need to turn on Japanese TV to come up with a crazy stunt show," he says, adding that, with partner Scott Larson, he "had already done 150 episodes of *Fear Factor*, a big, fun, family-based stunt show."

But, like *MXC*, *Wipeout* does have a crackpot obstacle course and its own sometimes hilarious commentators, John Anderson from ESPN's *SportsCenter* and John Henson from *Talk Soup*.

Marcia, an overzealous and overweight young woman, uncovers the plumber side of her personality, half losing her pants in one stupid stunt. But she must move on.

Jen, running the course to defy her ex-boyfriend, gets in trouble on the show's trademark obstacle, the big red balls. "She's on the rebound," says Henson.

Slammo, down she goes.

It looks frightfully dangerous, but Kunitz isn't worried. "We have a 50-page release that everybody signs," he says, "but what helps me sleep well at night is our stunt safety team."

Professional testers, "The Black and Blue Squad," guard against hidden hazards. Water depths are designed to prevent broken bones. The devices themselves are strategically padded. Even that mud is pretty sophisticated stuff, \$4,000 a truckload. "We need a consistency that is going to be very quicksand-like, absorb an impact, not going to clump up," says the boss.

Naysayers predict the show will fall as grandly as its contestants, after people tire of the course, which will have small modifications but remain basically the same in the 10 episodes that have been shot and make up the show's first season.

Bunk, says Kunitz. "*America's Funniest Home Videos* has been on 20 years, and there's still only so many ways people can slip on ice or get hit in the groin by a baseball bat."

To aficionados, this stuff never gets old.

My wife, the Professor, much more demanding than her doofus husband, the TV Critic, lets her feminist flag fly as she roots for a plucky gal on the show - who cares if she's a stripper? - to outduel the men on the Dizzy Dummy. It spins you silly, then you're forced to stagger onward.

The Professor hates *The Office*, and she thinks *The Simpsons* is just a cartoon, but *Wipeout*?

"You do get involved with these different people," she observes, and then cuts to the meat of the matter.

"But this is not something you should watch."

Jonathan Storm:

Wipeout

Tonight at 8 on 6ABC

I Survived a Japanese Game Show

Tonight at 9 on 6ABC

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July 11, 2008

The worst scam in TV history

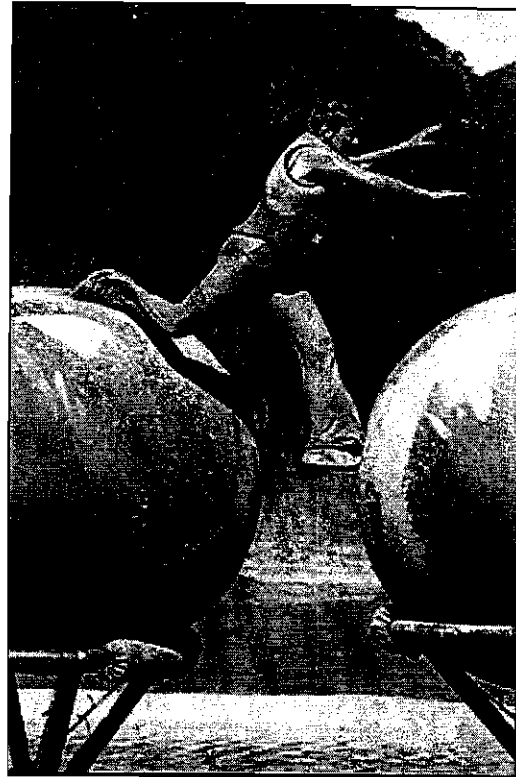


TV Stevie is looking to collect some base hits.

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Sometimes, television surprises me even when it doesn't surprise. And if you don't understand what I mean by that, well, that makes two of us.

Earlier this week, I was shocked to hear that the co-creator of Spike TV's *Most Extreme Elimination Challenge (MXC)*, Larry Strawther, was up in arms, accusing ABC's *Wipeout* of being a blatant copy of his show (which I pointed out in a column the day after *Wipeout's* debut). Of course, the fact that he's accusing them of TV plagiarism comes as no surprise at all. What was unexpected was that it took so long for somebody to point the accusatory finger.



This looks familiar.

Make no mistake about it: *Wipeout* is a blatant rip-off of *MXC*, so much so that when I was watching it, I wrongly assumed that ABC had bought up the rights to the show from Spike (or whoever might've owned them back in Japan).

But that wasn't the case. Apparently ABC legitimately believed that nobody would notice that *Wipeout* was exactly the same as *MXC*, from the games to the announcers to the overadrenalized contestants. Either that, or ABC didn't believe that Spike TV had enough money to hire the right lawyers to make them pay for it.

Strawther went on YouTube earlier this week to show exactly how badly ABC had copied his show, presenting a side-by-side comparison of *Wipeout* and *MXC* that unequivocally proves that they are pretty much the same show.

Click [here](#) to watch the non-YouTube version of the video.

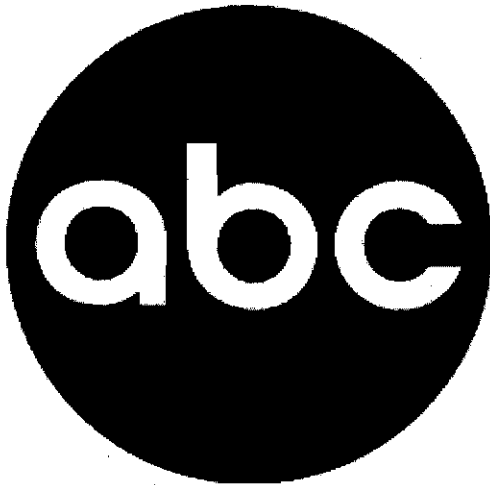
Even more suspiciously, Strawther's video comparison was quickly yanked from YouTube after only five days. Strawther was told that his clip was removed because *Wipeout* producers had filed a copyright violation. On all matters involving *Wipeout's* relationship to *MXC*, ABC has released the quintessentially guilt-implying statement of

"no comment."

Strawther is obviously frustrated.

"Not only did the producers very obviously copy the games -- or at least major elements of the games -- which had been created by someone else, but *Wipeout* has also copied much of the editorial feel, style of humor of *MXC*," said Strawther. "Now their lawyers are trying to deny the right of *MXC*'s creators to point out -- at least on YouTube -- just exactly how *Wipeout* copies from *MXC*."

Normally, copycatting is just a part of business in the TV industry. We see it every day, as TV executives just might be the least creative people in the entire world. They're programmed to make money for their networks, and that's what they focus on, which means choosing shows that are just like other shows that people already like; nothing new there.



But *Wipeout* is so similar *MXC* that to believe that ABC didn't do this intentionally is to believe that nobody in their entire organization had ever seen *MXC*. This is difficult to swallow since, you know, they're in the TV business, which presumably means that at least a couple of ABC employees must watch the tube from time to time.

Then on Thursday, out in the blogosphere, came word from *Deadline Hollywood Daily* that ABC had actually sent out a memo to all of its executive producers instructing them how to properly rip off foreign shows. Finke even

included a copy of the memo on the page, which doesn't completely prove its authenticity, but certainly makes it feel a little more legitimate to me (as opposed to the old clandestine rumour-passing that normally accompanies a tidbit as juicy as this one on its path to daylight).

Click [here](#) to read the memo.

While there isn't anything particularly damning in the memo, it is rather stunning that they'd document such a seemingly diabolical plan, as it definitely outlines a strategy to bring foreign show concepts over to ABC and changing them just enough so that no money has to be paid out. Apparently, it would cost quite a lot to bring a popular show over from Japan (or wherever), and ABC would rather not incur that cost.

Which would be fine, except that when it comes to *Wipeout*, the show wasn't changed nearly enough. On June 27, 2008, this is what I wrote about *Wipeout*'s relationship to *MXC*:

"*Wipeout* is almost exactly like *MXC*, only instead of crazy Japanese contestants, it has crazy American contestants. Instead of English commentary on overdub, it has straight

English commentary (although the chatter was predictably recorded in post-production, despite the fact that *Wipeout* tries to present itself as a kind of live sporting event). It's the same show, and if somebody didn't collect royalties for this, a lawsuit should soon follow."

And bear in mind, this is the most obvious observation I've ever made. I'm not even an *MXC* fan, per se. Obviously, I've watched it, but no more than a handful of times. To me, it's a show that's exactly the same whether you catch in the first few minutes or the last. It doesn't matter if you're looking at season one or five. For that reason, it doesn't really interest me to watch it for any length of time that is longer than a commercial break.

But ABC offends me as a writer, as somebody who knows how difficult it is to come up with an idea that really works, particularly on television. People work their entire lives to create something as profitable as *MXC*, and to have a large corporation come and steal it away without recourse slightly jostles my faith in humanity.



The only uplifting aspect of this entire saga is the realization that we -- the people who are aware of what's happening -- have the power to make *Wipeout* flame out. If you're enthralled by it, just watch *MXC* instead. I guarantee that you won't be missing anything by watching the original. No improvements have been made.

And if you don't care about the show, continue to stay away. ABC is throwing its weight around and stealing shows. They may have done a nice job with *Wipeout*, but philosophically it's difficult for me to let this pass.

I want to get *Wipeout* cancelled. Now that you know what ABC has done, it's up to you to decide whether it was unfair enough to warrant a boycott of the show. So consider this the first official boycott in TV Stevie history. And tell your friends.

And another thing (actually several more things)!

Oddly enough, in the days following my article about how TV shows almost always make craptacular movies, the one show that could make a great movie, *The Sopranos*, has been in and out of the news about (you guessed it) being made into a feature film.

First, creator David Chase told the media that there would be no *Sopranos* film because he doesn't believe he'll ever figure out the right way to continue the narrative. Of course, this wouldn't be the TV industry if Chase didn't manage to leave the door open, if only just a bit.

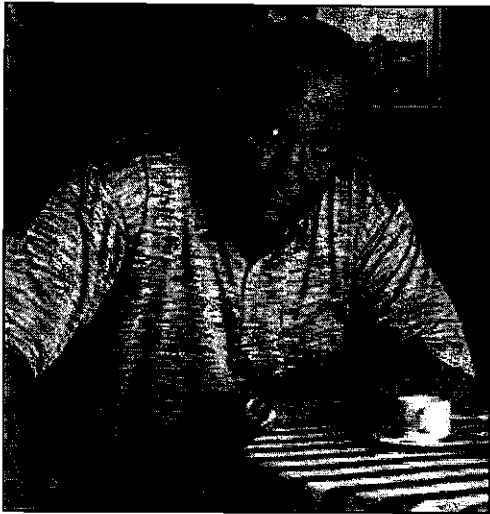
"I don't think it will ever happen," said Chase. "I don't think you can ever say never, but

my hunch is that it won't happen."

Then, during the HBO press tour, president of programming Michael Lombardo told the media that the network would definitely be interested in bringing Tony Soprano to the big screen, but it all depended on David Chase.

"I spoke to him [Chase] recently," said Lombardo. "He is in France. If David wants to do one, we would be delighted to explore one."

Lombardo also said that HBO has "enormous interest" in another *Sex and the City* movie, which makes me actually want to bludgeon myself with a coffee mug. I think there's at least an 85 percent chance that *The Sopranos* will be made into a movie. The whole thing reminds me of Michael Jordan's "retirement" from basketball and subsequent baseball career. Once he realized he could be the best at something instead of one of the worst at something else, he came to his senses and made his way back to the NBA. Once James Gandolfini realizes that Tony Soprano is the best role that'll ever come his way, I expect him to sign on for a movie. The others will follow.



I think we'll see Tony again.

The Sopranos will become a movie after the price goes up, but before it's been so long that people don't care anymore. That's an official prediction.

In other HBO news, *Curb Your Enthusiasm* is officially coming back for a seventh season, which will premiere at the beginning of 2009. Larry David was quoted as saying that he was "excited about it," but it's unclear whether he was talking about the show or the dump truck full of money currently on its way to his house.

Joan Rivers is currently angling to be cast on the next installment of Donald Trump's *Celebrity Apprentice*, despite admitting that she's never actually seen the show. I hope that Trump is considering it, and I hope he makes her share a bedroom with OJ Simpson. But that's just me.

According to *Star* magazine, Julia Roberts is set to make a guest appearance on the next season of *24*, which will reunite her with former fianc• and *Flatliners* costar Kiefer Sutherland. Even though it's coming from *Star* magazine (which, as a publication, has an integrity equaled only by what I might scribble on my hand), I still thought you should know.

I don't know why, but I found the next item hilarious. Apparently, Joe Rogan actually hated hosting *Fear Factor* as much as I hated watching him host it, which is oddly vindicating to me for some reason.

"I enjoyed the money," said Rogan, "but I didn't enjoy doing that show. It was boring, and after a while, it was mindless. It's not something I would look forward to, but it was a great paycheck."

It's good to know that Rogan would never sell out. Wait. I meant to say that it's good to know that Rogan would never *not* sell out. It's nice to have a few certainties in life.

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July 12, 2008 | by [Vic Holtreman](#)

ABC's Wipeout: A Mean And Lame Copy Of Ninja Warrior

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OK, it's summertime - there's a dearth of stuff to watch on television, so I slum a little with my Tivo, looking for anything that might be vaguely entertaining. From the TV commercials, it seemed like ABC's new show *Wipeout* might be kind of entertaining.

Unfortunately that's not the case.

At this point you may be wondering just what exactly *Wipeout* is. It's basically a reality show that consists of regular people trying to make it through an elaborate obstacle course. Essentially it's a rip-off of the most-excellent *Ninja Warrior* which airs on the cable network G4.

My love of *Ninja Warrior* is actually what attracted me to ABC's new series - "NW" is a Japanese TV show that has been airing for over 7 years and features people competing on, you guessed it: An elaborate obstacle course.

The Japanese series is aired on G4 with English subtitles and the damned thing is addictive. Although you can't understand what the announcer is saying, the guy gets SO excited over the contestants' performance that you can't help but get caught up in their attempt to navigate the course.

On THAT show the obstacles are incredibly challenging, but they ARE capable of being conquered. If a contestant fails one obstacle, that's the end of the line for them. In contrast the obstacles on the American version of the show are designed apparently only to embarrass the contestants and force them to fail spectacularly.

I don't what the prize money amount is, if any, on *Ninja Warrior* - it's obvious from watching the show that it's primarily about the honor of completing the course (which only two people have done in seven years!). On *Wipeout*, it's all about the money: \$50,000.

What I find particularly galling about *Wipeout* are a number of things:

- The show is obviously taped, and then the crack team of oh-so-funny comedy writers have time to whip up witty quips for the hosts: Straight-man John Anderson of ESPN's *Sportcenter* and oh-so-incredibly-smarmy John Henson of E! Entertainment's *Talk Soup*.
- The hosts (mainly Henson) belittle the contestants to no end, reveling in their failures.
- As mentioned above, the obstacles seem designed specifically to humiliate the contestants.
- If contestants fail to complete an obstacle, they can just get up and move on to the next one.

As a counterpoint, on *Ninja Warrior*:

- The announcer is obviously being taped live and we hear what he has to say as the event is happening. And let me tell you he is FAR funnier than these guys, and WITHOUT a script.
- The host seems genuinely excited about the contestants advancing. Sure he pokes fun at some, but mainly at the ones who are obviously there just for the attention, and it comes across as funny but good-spirited.
- The obstacles are incredibly challenging, but are designed to only let those in peak physical condition get through instead of consisting of mainly big rubber balls and tubes covered in mud and water.
- If a contestant fails to make it past an obstacle, they're done.

So I've hung in there through three episodes of *Wipeout*, but I've had enough... I'm disgusted by it

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and I'll keep my eyes peeled for new episodes of *Ninja Warrior* on G4. Actually, there's one thing that might get me to tune in again: To watch John Henson actually try to make it through the course in which he finds it so easy to make fun of others trying to make it through.

Click here for more [Ninja Warrior](#), [Wipeout](#)

NEW YORK POST

COPYCAT 'WIPEOUT'

By DON KAPLAN

July 20, 2008 —

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Whatever you do, do not compare the sadistic ABC game show "Wipeout" to any one of those sadistic Japanese game shows that it resembles so closely, especially those that have been airing for years on American cable. Simply put, the producers of "Wipeout" and ABC don't want to hear that the series, a hit drawing a weekly average of about 10 million viewers since its debut last month, looks just like the popular Spike TV show "MXC."

"People have tried to make a connection between 'Wipeout' and Japanese game shows but we never even referenced a Japanese game show when we were putting this show together," says David Goldberg, president of Endemol USA, the studio behind the show. "We didn't sit there and look at a Japanese game show and think 'this is what [our] show needs to be.' "He claims that the inspiration for "Wipeout" is actually another Endemol production, "Fear Factor."

"This is the natural evolution of 'Fear Factor', " says Goldberg. "Only with comedy."

The show, in which contestants are put through a battery of humiliating physical challenges, looks and sounds startlingly like Spike TV's "Most Extreme Elimination Challenge" or "MXC," for short.

That show was made by producers who bought the rights to footage from "Takeshi's Castle," a popular 1980s Japanese game show and then dubbed over their own comedic commentary.

"I'll say this," Goldberg says. "I have never watched that show."

Both shows feature contestants running, jumping, flopping and splashing headfirst into yucky pools of muck.

"Wipeout" fleshes out footage of these antics with commentary from its hosts, comedians John Anderson and John Henson, who poke fun at the contestants' clumsiness. Occasionally, they applaud their efforts. For its part Spike believes that "Wipeout" is clearly a copy of "MXC" and even scheduled a marathon of "MXC" episodes over the Fourth of July weekend that were dubbed, "MXC, The Original, Not The Ripoff Weekend."

The producers of MXC are so incised over "Wipeout" that producer Larry Strawther put together a side-by-side comparison of the two and posted it on YouTube - only to have the video yanked five days later. In its place is a message saying "Wipeout" producers have filed a copyright violation. Strawther has filed a counter protest with YouTube.

"In the TV business, people look at someone else's success and they imitate it," says Spike TV's

president, Kevin Kay. "To some extent it's nice to be imitated, but it is not so nice to be ripped off - I just wish they would own up to it." Kay adds that Anderson and Hensen were at one time both Spike on-air personalities. "That fact is also not lost on us," he says.

WIPEOUT

Tuesday, 8 p.m., ABC

Home

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The ChronicleHerald.ca

Published: 2008-07-22

Wipeout: The title of the show says it all

By TIM ARSENAULT

IF IMITATION is the sincerest form of flattery, the makers of the cable cult favourite MXC must be blushing.

Wipeout, which next airs tonight at 9 p.m. on ABC and Global, is a summer series that's quickly trampled into the Top 10 on both sides of the border.

The title of the show says it all, really, as producers lure a range of ordinary folks into testing their mettle on ludicrous obstacle courses clearly designed to maximize thrills and spills. If you find American Gladiators too hard to follow, this is the show for you.

Connoisseurs of competition shows have observed that Wipeout bears an eerie similarity to MXC, a rather unique show that originally popped up on the Spike cable channel from 2003 to 2007. The initials are short for Most Extreme Elimination Challenge and the show was built around footage from an outrageous Japanese series called Takeshi's Castle that featured bizarre stunt competitions.

The twist on MXC was that the original footage was dubbed into English in such a fashion that it had nothing to do with the original broadcast. The fake teams and premises were often lewd, which no doubt appealed to the channel's dude demographic. They could also be very funny.

Wipeout differs from its apparent inspiration in the sense that the basic material is homegrown and the innuendo is turned way down, making it a family-friendly fit for the network that's been bringing viewers America's Funniest Home Videos for years. On Wipeout, there's little subtext when a player has to negotiate his or her way across a series of big rubber balls. (Maybe that's because would-be contestants have to sign a 50-page legal waiver, according to a story in The Philadelphia Inquirer.)

The tone of the presentation walks a fine line between straight and snarky. Wipeout is hosted by actor John Henson and John Anderson from the U.S. sports channel ESPN, which apparently doesn't have any SportsCenter anchors who don't fancy themselves comedians, with contributions from earnest sideline reporter Jill Wagner.

For adults, it's interesting to note that the market rate for humiliation is not what it used to be.

Richard Hatch getting that first cool million on Survivor seems quite far removed from the weekly Wipeout top prize of 50 grand.

For kids, it's enough to just watch people hit the water repeatedly.

In a move that's difficult to think of as a coincidence, Spike has brought MXC back into

its weekend schedule.

The repeats culminate with the awkwardly titled Most Best of MXC back-to-back compilations on Aug. 3 starting at 4 p.m.

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