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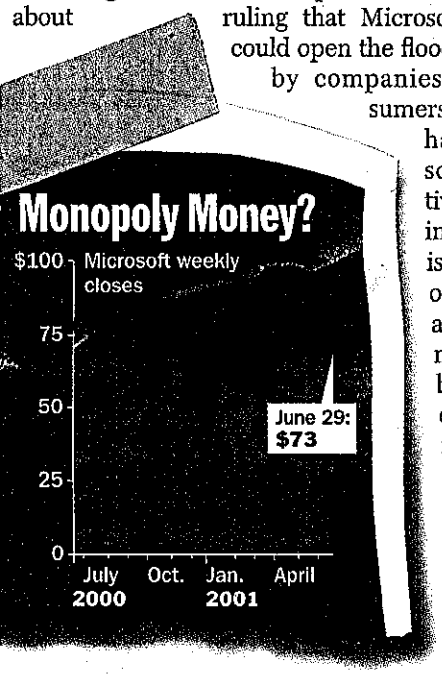

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Aside from what happens in the government's case, last week's decision delivered a separate blow to Microsoft. The ruling that Microsoft is a monopoly could open the floodgates to civil suits by companies, and even consumers, who have been harmed by Microsoft's anticompetitive activities. Proving that a company is a monopoly is an onerous legal task, and private litigants may now be able to bootstrap their cases onto last week's findings.

One company that could be first in line: AOL Time Warner, the parent company of TIME. In recent talks about renewing AOL's spot on Windows XP, Microsoft sought indemnity from future antitrust claims. AOL refused, and the deal died. AOL might sue, claiming that Netscape, the Internet browser it now owns, was harmed by Microsoft's monopolistic behavior. Estimates of potential damage are in the billions of dollars. Other companies that could sue: Microsoft-loathing Sun Microsystems, RealNetworks and Oracle.

For now, though, Microsoft is basking in the sunlight of what it regards as a clear-cut victory. Microsoft, whose Redmond, Wash., campus is just outside Seattle, may be right in saying Seattleites have a special ability to appreciate the sun breaking through the clouds. But residents of that rainy burg know that sunshine is sometimes just a break between cloudy days. ■

Cyber Payback

The high court upholds freelancers' online rights

GREG MIRONCHUK—PID

VICTORY: Tasini & Co. press onward

THE NEW YORK *TIMES* famously prides itself on publishing "all the news that's fit to print." But that slogan was coined a century before the digital age. Last week, after the U.S. Supreme Court ruled that freelance writers retained full rights to their work in cyberspace, the *Times* began to purge its electronic archives of 115,000 articles that freelancers had written from 1980 to 1995. For freelancers who don't want their work expunged, the *Times* set up a Web page where they can waive their rights to past articles. Says *Times* spokeswoman Catherine Mathis: "We don't want to be considered in willful violation [of copyright laws] now that the court has ruled."

The zapping of intellectual property reflects the passions unleashed by the high court's 7-2 decision in a case that the National Writers Union brought against five publishers and database companies in 1993. Defendants include not only the *Times* but TIME publisher Time Inc.—which also plans to purge freelancers from its online archives—and Lexis-Nexis, a 3 billion-article database.

The purge affects only pre-1995 articles; since then, publishers have generally retained electronic rights as part of any freelance contract. The court ruling "really has to do with filling in the blanks on earlier contracts that hadn't anticipated the Internet revolution," says Jonathan Zittrain, who teaches cyberlaw at Harvard Law School. Those blanks having been filled, "the decision forces both sides to roll up their sleeves and negotiate."

While the writers are willing to deal, the publishers have shown scant interest in doing so. "My fervent hope is that the decision spurs companies to sit down with us and negotiate," says union president Jonathan Tasini, who plans to ask for as much as $600 billion in damages and copyright fees when a federal court considers penalties later this year. "The last thing I want to do, although we are prepared to do it, is to litigate this for the next five years." As any freelancers will tell you, they're used to waiting forever to get paid. —*By John Greenwald.*

With reporting by Eric Roston/New York

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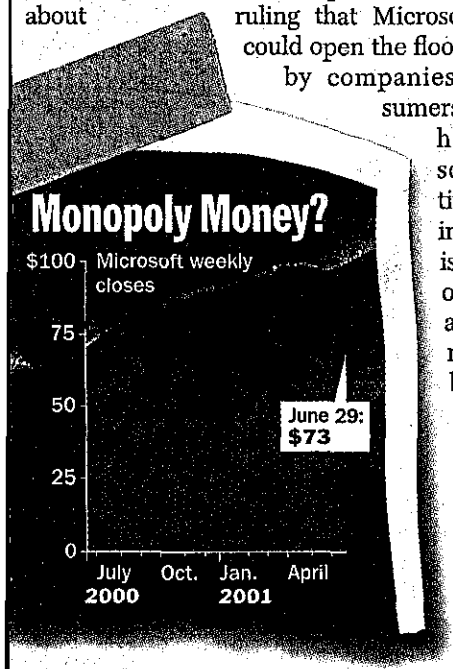

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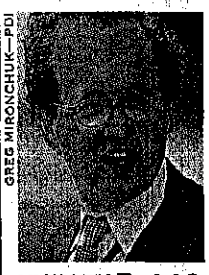

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