

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ATLANTIC RECORDING CORPORATION

1290 Avenue of the Americas

New York, NY 10014;

VIRGIN RECORDS AMERICA, INC.

150 Fifth Avenue, 11th Floor

New York, NY 10011;

SONY MUSIC ENTERTAINMENT INC.

550 Madison Avenue

New York, NY 10022-3211;

BMG MUSIC

1540 Broadway

New York, NY 10036;

INTERSCOPE RECORDS

2220 Colorado Avenue

Santa Monica, CA 90404;

UMG RECORDINGS

2220 Colorado Avenue

Santa Monica, CA 90404;

ELEKTRA ENTERTAINMENT GROUP

75 Rockefeller Plaza

New York, NY 10019;

MAVERICK RECORDING COMPANY

9348 Civic Center Drive

Beverly Hills, CA 90210;

CAPITOL RECORDS, INC.

150 Fifth Avenue, 11th Floor

New York, NY 10011;

ARISTA RECORDS, INC.

888 Seventh Avenue, 40th Floor

New York, NY 10019;

Civil Action No.: _____

WARNER BROS. RECORDS INC.
3300 Warner Blvd.
Burbank, CA 91505,

Plaintiffs,

v.

DOES 1 – 3,

Defendants.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiffs, by their attorneys, for their complaint against Defendants, allege:

JURISDICTION AND VENUE

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 *et seq.*).
2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
3. Venue in this District is proper under 28 U.S.C. § 1391(b) and/or 28 U.S.C. § 1400(a). Although the true identity of each Defendant is unknown to Plaintiffs at this time, on information and belief, each Defendant may be found in this District and/or a substantial part of the acts of infringement complained of herein occurred in this District. On information and

belief, personal jurisdiction in this District is proper because each Defendant, without consent or permission of the copyright owner, disseminated over the Internet copyrighted works owned and/or controlled by the Plaintiffs. On information and belief, such illegal dissemination occurred in every jurisdiction in the United States, including this one. In addition, each Defendant uses an online service provider found in this District to access the Internet, which facilitated Defendants' infringing activities.

PARTIES

4. Plaintiff Atlantic Recording Corporation is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

5. Plaintiff Virgin Records America, Inc. is a corporation duly organized and existing under the laws of the State of California, with its principal place of business in the State of New York.

6. Plaintiff Sony Music Entertainment Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

7. Plaintiff BMG Music is a general partnership duly organized and existing under the laws of the State of New York, with its principal place of business in the State of New York.

8. Plaintiff Interscope Records is a California general partnership, with its principal place of business in the State of California.

9. Plaintiff UMG Recordings, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

10. Plaintiff Elektra Entertainment Group Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

11. Plaintiff Maverick Recording Company is a joint venture between Maverick Records and Warner Bros. Records Inc., organized and existing under the laws of the State of California, with its principal place of business in the State of California.

12. Plaintiff Capitol Records, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

13. Plaintiff Arista Records, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

14. Plaintiff Warner Bros. Records Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

15. The true names and capacities of the Defendants are unknown to Plaintiffs at this time. Each Defendant is known to Plaintiffs only by the Internet Protocol (“IP”) address assigned to that Defendant by his or her online service provider on the date and time at which the infringing activity of each Defendant was observed. See Exhibit A. Plaintiffs believe that information obtained in discovery will lead to the identification of each Defendant's true name.

COUNT I
INFRINGEMENT OF COPYRIGHTS

16. Plaintiffs incorporate herein by this reference each and every allegation contained in each paragraph above.

17. Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright law with respect to certain copyrighted sound recordings, including, but not limited to, all of the copyrighted sound recordings on Exhibit A to this Complaint (collectively, these copyrighted sound recordings shall be identified as the “Copyrighted Recordings”). Each of the Copyrighted Recordings is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights to each Plaintiff as specified on each page of Exhibit A.

18. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Recordings and to distribute the Copyrighted Recordings to the public.

19. Plaintiffs are informed and believe that each Defendant, without the permission or consent of Plaintiffs, has used, and continues to use, an online media distribution system to download, distribute to the public, and/or make available for distribution to others, certain of the Copyrighted Recordings. Exhibit A identifies on a Defendant-by-Defendant basis (one Defendant per page) a list of copyrighted recordings that each Defendant has, without the permission or consent of Plaintiffs, downloaded, distributed to the public, and/or made available for distribution to others. In doing so, each Defendant has violated Plaintiffs' exclusive rights of reproduction and distribution. Each Defendant's actions constitute infringement of Plaintiffs' copyrights and/or exclusive rights under copyright. (In addition to the sound recordings listed for each Defendant on Exhibit A, Plaintiffs are informed and believe that each Defendant has, without the permission or consent of Plaintiffs, downloaded, distributed to the public, and/or made available for distribution to others additional sound recordings owned by or exclusively licensed to the Plaintiffs or Plaintiffs' affiliate record labels.)

20. Plaintiffs are informed and believe that the foregoing acts of infringement have been willful, intentional, and in disregard of and with indifference to the rights of Plaintiffs.

21. As a result of each Defendant's infringement of Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs are entitled to statutory damages pursuant to 17 U.S.C. § 504(c) against each Defendant for each infringement by the Defendant of each copyrighted recording. Plaintiffs further are entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

22. The conduct of each Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiffs are entitled to injunctive relief prohibiting each Defendant from further infringing Plaintiffs' copyrights, and ordering that each Defendant destroy all copies of copyrighted sound recordings made in violation of Plaintiffs' exclusive rights.

WHEREFORE, Plaintiffs pray for judgment against each Defendant as follows:

1. For an injunction providing:

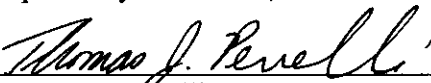
"Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the Copyrighted Recordings and any sound recording, whether now in existence or later created, that is owned or controlled by Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (*i.e.*, download) any of Plaintiffs' Recordings, to distribute (*i.e.*, upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any

computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control."

2. For statutory damages for each infringement of each Copyrighted Recording pursuant to 17 U.S.C. § 504.
3. For Plaintiffs' costs in this action.
4. For Plaintiffs' reasonable attorneys' fees incurred herein.
5. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Dated: 3/23/04



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Attorneys for Plaintiffs

Exhibit A**Doe #1 (161.253.18.132 2003-12-10 08:53:49 (EST))**

COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
Maverick Recording Company	Alanis Morissette	All I Really Want	Jagged Little Pill	213-545
Interscope Records	Eminem	Amityville	The Marshall Mathers LP	287-944
BMG Music	Eve 6	Open Road Song	Eve 6	257-983
Virgin Records America, Inc.	UB40	Can't Help Falling In Love	Promises And Lies	186-039
Capitol Records, Inc.	Bonnie Raitt	Thing Called Love	Nick of Time	102-443
Maverick Recording Company	Michelle Branch	Goodbye to You	The Spirit Room	303-732
Atlantic Recording Corporation	Jewel	Down So Long	Spirit	261-953
UMG Recordings, Inc.	Nelly	Ride Wit Me	Country Grammar	281-782
Sony Music Entertainment Inc.	Mariah Carey	Anytime You Need A Friend	Music Box	178-631

Exhibit A

Doe #2 (161.253.29.98 2003-12-12 14:34:09 (EST))

COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
Warner Bros. Records Inc.	Linkin Park	Crawling	Hybrid Theory	288-402
Arista Records, Inc.	Avril Lavigne	Complicated	Let Go	312-786
UMG Recordings, Inc.	Mary J. Blige	Not Goin' Cry	Share My World	238-818
BMG Music	Alicia Keys	Goodbye	Songs in A Minor	299-410
Virgin Records America, Inc.	Beenie Man	Girls Dem Sugar	Art And Life	284-383
Sony Music Entertainment Inc.	Mariah Carey	Always Be My Baby	Daydream	215-243

Exhibit A**Doe #3 (161.253.47.66 2003-12-11 11:23:59 (EST))**

COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
Arista Records, Inc.	Toni Braxton	Another Sad Love Song	Toni Braxton	208-619
Arista Records, Inc.	LFO	Girl on TV	LFO	306-981
Capitol Records, Inc.	Bobby McFerrin	Don't Worry, Be Happy	Simple Pleasures	97-575
Capitol Records, Inc.	Everclear	Santa Monica	Sparkle And Fade	279-015
Interscope Records	No Doubt	Simple Kind Of Life	Return Of Saturn	279-727
Elektra Entertainment Group Inc.	Tamia	Can't Go For That	A Nu Day	293-084
UMG Recordings, Inc.	Vanessa Williams	Save the Best for Last	Comfort Zone	141-365
Sony Music Entertainment Inc.	Destiny's Child	Emotion	Survivor	289-199
Atlantic Recording Corporation	Jewel	What's Simple Is True	Spirit	261-953
Sony Music Entertainment Inc.	Mariah Carey	Always Be My Baby	Daydream	215-243