

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

BMG MUSIC  
1540 Broadway  
New York, NY 10036;

LONDON-SIRE RECORDS INC.  
75 Rockefeller Plaza  
New York, NY 10019;

ARISTA RECORDS, INC.  
888 Seventh Avenue, 40th Floor  
New York, NY 10019;

CAPITOL RECORDS, INC.  
150 Fifth Avenue, 11th Floor  
New York, NY 10011;

ELEKTRA ENTERTAINMENT GROUP  
75 Rockefeller Plaza  
New York, NY 10019;

ATLANTIC RECORDING CORPORATION  
1290 Avenue of the Americas  
New York, NY 10014;

UMG RECORDINGS  
2220 Colorado Avenue  
Santa Monica, CA 90404;

SONY MUSIC ENTERTAINMENT INC.  
550 Madison Avenue  
New York, NY 10022-3211;

VIRGIN RECORDS AMERICA, INC.  
150 Fifth Avenue, 11th Floor  
New York, NY 10011,

Plaintiffs,

v.

DOES 1 – 3,

Defendants.

Civil Action No.: \_\_\_\_\_

## **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. 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 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.

5. Plaintiff London-Sire 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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**

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

15. 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.

16. 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.

17. 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.)

18. 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.

19. 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.

20. 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.

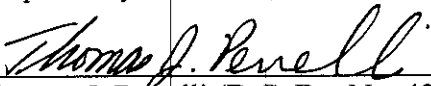
3. For Plaintiffs' costs in this action.

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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Thomas J. Perrelli (D.C. Bar No. 438929)  
Jared O. Freedman (D.C. Bar No. 469679)  
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*Attorneys for Plaintiffs*



**Exhibit A****Doe #1 (141.161.59.60 2003-12-16 08:27:21 (EST))**

COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
Capitol Records, Inc.	Tanya Tucker	Little Things	Complicated	233-988
Elektra Entertainment Group Inc.	Third Eye Blind	Semi-Charmed Life	Third Eye Blind	188-673
London-Sire Records Inc.	Eden's Crush	Get Over Yourself	Popstars	187-319
Virgin Records America, Inc.	Shaggy	Boombastic	Boombastic	222-048
BMG Music	Alabama	Down This Road	When It All Goes South	292-583
Sony Music Entertainment Inc.	Journey	Don't Stop Believin'	Escape	30-088
BMG Music	Kenny Chesney	All I Need To Know	All I Need to Know	208-984
UMG Recordings, Inc.	Ja Rule	Put It On Me	Rule 3:36	270-080
BMG Music	Lit	Miserable	A Place in the Sun	264-272
Sony Music Entertainment Inc.	Jennifer Lopez	Love Don't Cost a Thing	J. Lo	293-297
UMG Recordings, Inc.	Shania Twain	When	Come On Over	243-502

## Exhibit A

**Doe #2 (141.161.32.135 2003-12-16 20:01:04 (EST))**

COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
UMG Recordings, Inc.	Dru Hill	The Love We Had (Stays on My Mind)	Enter the Dru	290-402
Atlantic Recording Corporation	Phil Collins	Take Me Home	No Jacket Required	60-788
Arista Records, Inc.	Koffee Brown	After Party	Mars/Venus	294-728
UMG Recordings, Inc.	Brian McKnight	Hold Me	Brian McKnight	146-631
BMG Music	Tyrese	I Like Them Girls	2000 Watts	293-345

**Exhibit A**

**Doe #3 (141.161.59.20 2003-12-12 03:37:43 (EST))**

<b>COPYRIGHT OWNER</b>	<b>ARTIST</b>	<b>RECORDING TITLE</b>	<b>ALBUM TITLE</b>	<b>SR#</b>
Sony Music Entertainment Inc.	Destiny's Child	Jumpin' Jumpin'	The Writing's on the Wall	268-936
UMG Recordings, Inc.	Mary J. Blige	I Can Love You	Share My World	238-818
UMG Recordings, Inc.	Avant	This Time	My Thoughts	281-220
Sony Music Entertainment Inc.	Nas	The Flyest	Stillmatic	305-698
Arista Records, Inc.	Outkast	So Fresh, So Clean	Stankonia	306-741
Sony Music Entertainment Inc.	Michael Jackson	Will You Be There	Dangerous	178-165
UMG Recordings, Inc.	Ludacris	What's Your Fantasy	Back For the First Time	289-433
Elektra Entertainment Group Inc.	Missy Elliot	Beep Me 911	Supa Dupa Fly	245-232