

United States District Court

COPY

CENTRAL DISTRICT OF CALIFORNIA

In the Matter of the Seizure of
(Address or Brief description of property or premises to be seized)

THE FOLLOWING DOMAIN NAMES:

RAPGODFATHERS.COM,
TORRENT-FINDER.COM,
RMX4U.COM,
DAJAZI.COM, and
ONSMASH.COM.

SEIZURE WARRANT

CASE NUMBER: **10-2822M**

TO: DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT (agency) and any Authorized Officer of the United States, Affidavit(s) having been made before me by SPECIAL AGENT ANDREW REYNOLDS who has reason to believe that in the Central District of California there is now certain property which is subject to forfeiture to the United States, namely the following Internet domain names: (describe the property to be seized)

RAPGODFATHERS.COM, registered with Enom, Inc., which has its headquarters at 15801 NE 24th Street, Bellevue, Washington 98008;

TORRENT-FINDER.COM registered with Blue Razor Domains, Inc., which has its headquarters at 14455 North Hayden Road, Suite 226, Scottsdale, Arizona 85260;

RMX4U.COM registered with Enom, Inc. which has its headquarters at 15801 NE 24th Street, Bellevue, Washington 98008;

DAJAZI.COM registered with Fast Domain, Inc., which has its headquarters at 1958 South 950 East, Provo, Utah 84606; and

ONSMASH.COM registered with Godaddy.com, Inc., which has its headquarters at 14455 N. Hayden Road, Suite 219, Scottsdale, Arizona 85260.

(the "Domain Names") which is (state one or more bases for seizure under United States Code) subject to seizure and civil forfeiture under pursuant to 18 U.S.C. §§ 2323(a)(1)(B) and § 981(b) concerning a violation of Title 17 United States Code, Section(s) 506(a) and Title 18 United States Code, Section(s) 2319.

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the property so described is subject to seizure and that grounds exist for the issuance of this seizure warrant.

YOU ARE HEREBY COMMANDED to seize within 14 days of the date of issuance of this warrant, the property specified above (the Domain Names), by serving this warrant and making the seizure in the daytime - 6:00 A.M. to 10:00 P.M., leaving a copy of this warrant and receipt for the property seized, and prepare a written inventory of the property seized and promptly return this warrant and into the undersigned judicial officer as required by law. The Domain Name's registry, Verisign, Inc. which has its headquarters at 21355 Ridgetop Circle, Dulles, Virginia, shall be directed to comply with all terms of this warrant by placing on registry lock the Domain Names pursuant to the conditions set out in Attachment A hereto pending further order of the Court. The Department of Homeland Security, U.S. Immigration and Customs Enforcement or its designee is directed to maintain custody of the property pending resolution of the forfeiture.

Date and Time Issued 11/17/10 / 1:02 p.m.

at

Los Angeles, CA

City and State MARGARET A. NAGLE

Hon. Margaret A. Nagle, U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

RETURN

DATE WARRANT RECEIVED

DATE AND TIME WARRANT EXECUTED

COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH

INVENTORY MADE IN THE PRESENCE OF

INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT

CERTIFICATION

I Swear that this inventory is a true and detailed account of the property seized by me on the warrant.

Subscribed, sworn to, and returned before me this date.

U.S. Judge or Magistrate

Date

ATTACHMENT AI. Seizure Procedure

A. The seizure warrant will be presented in person or transmitted via facsimile or email to personnel of the domain name registry listed in Section II ("Subject Registry") and the domain name registrars listed in Section III ("Subject Registrars") who will be directed, for the domain names listed in Section IV ("Subject Domain Names") for which it serves as the top-level domain registry, to make any changes necessary to restrain and lock the domain names pending transfer of all rights, title, and interest in the Subject Domain Names to the United States upon completion of forfeiture proceedings.

B. Upon seizure of the Subject Domain Names, the Subject Registry shall point the Subject Domain Names to IP address 74.81.170.110, at which the Government will display a web page with the following notice:

This domain name has been seized by ICE - Homeland Security Investigations, pursuant to a seizure warrant issued by a United States District Court under the authority of 18 U.S.C. §§ 981 and 2323.

Willful copyright infringement is a federal crime that carries penalties for first time offenders of up to five years in federal prison, a \$250,000 fine, forfeiture and restitution (17 U.S.C § 506, 18 U.S.C. § 2319). Intentionally and knowingly trafficking in counterfeit goods is a federal crime that carries penalties for first time offenders of up to ten years in federal prison, a \$2,000,000 fine, forfeiture and restitution (18 U.S.C. § 2320).

C. Upon seizure of the Subject Domain Names, the Subject Registry shall take all steps necessary to restrain and lock the domain at the registry level to ensure that changes to the Subject Domain Names cannot be made absent a court order or, if forfeited to the United States government, without prior consultation with United States Immigration and Customs Enforcement. The DNS record should be altered to remove any applicable name servers:

D. Upon seizure of the Subject Domain Names, the Subject Registrars shall modify any records, databases, tables, or documents that are used by the Subject Registrars to identify the owner of the Subject Domain Names to reflect the seizure of the Subject Domain Names. These changes relate to the following records, if they exist:

1. The "Technical Contact" and "Administrative Contact" fields will reflect the following information:

- a. Name: U.S. Immigration and Customs Enforcement
- b. Address: National Intellectual Property Rights
500 12th Street SW
Washington, DC 20024
- c. Country: USA
- d. Telephone: 1-866-IPR-2060 (477-2060)
- e. Email: IPRCenter@dhs.gov
- f. Fax: 202-307-2127

2. Any remaining fields will be changed so they do not reflect any individual or entity.

E. The Subject Registry shall take any steps required to propagate the changes detailed in Section D to any applicable DNS servers.

II. Subject Registry

Verisign, Inc.
21355 Ridgetop Circle
Dulles, Virginia 20166

III. Subject Registrars

Enom, Inc.,
15801 NE 24th Street
Bellevue, Washington 98008

Blue Razor Domains, Inc.
14455 North Hayden Road, Suite 226
Scottsdale, Arizona 85260

Godaddy.com, Inc.
14455 N. Hayden Road, Suite 219
Scottsdale, Arizona 85260

Fast Domain, Inc.
1958 South 950 East
Provo, Utah 84606

IV. Subject Domain Names

RAPGODFATHERS.COM,
TORRENT-FINDER.COM,
RMX4U.COM,
DAJAZ1.COM, and
ONSMASH.COM

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CENTRAL DISTRICT OF CALIFORNIA

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(Address or Brief description of property or premises to be seized)

THE FOLLOWING DOMAIN NAMES:

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TORRENT-FINDER.COM,
RMX4U.COM,
DAJAZI.COM, and
ONSMASH.COM

APPLICATION AND AFFIDAVIT
FOR SEIZURE WARRANT

CASE NUMBER: **10-2822M**

I, ANDREW REYNOLDS, being duly sworn depose and say:

I am a Special Agent with the Homeland Security Investigations, Immigration and Customs Enforcement and have reason to believe that in the CENTRAL District of CALIFORNIA there is now concealed a certain person or property, namely the following Internet domain names: (describe the person or property to be seized)

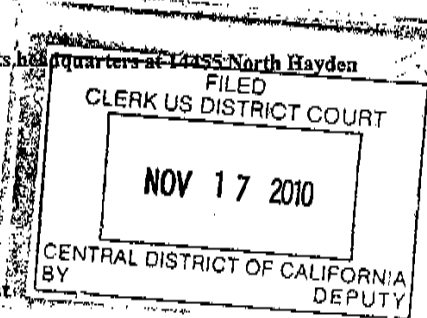
RAPGODFATHERS.COM, registered with Enom, Inc., which has its headquarters at 15801 NE 24th Street, Bellevue, Washington 98008;

TORRENT-FINDER.COM registered with Blue Razor Domains, Inc., which has its headquarters at 14455 North Hayden Road, Suite 226, Scottsdale, Arizona 85260;

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which is (state one or more bases for seizure under United States Code)

subject to seizure and civil forfeiture under 18 U.S.C. §§ 2323(a)(1)(B) and § 981(b); concerning a violation of Title 17, United States Code, Section 506(a) and Title 18, United States Code, Section 2319. The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

Continued on the attached sheet and made a part hereof. Yes No

/s/
Signature of Affiant **ANDREW T. REYNOLDS**
SPECIAL AGENT
IMMIGRATION AND CUSTOMS
ENFORCEMENT, HOMELAND
SECURITY INVESTIGATIONS

Sworn to before me, and subscribed in my presence

11/17/10
Date

at Los Angeles, California
City and State

Hon. Margaret A. Nagle, U.S. Magistrate Judge
Name and Title of Judicial Officer

MARGARET A. NAGLE
Signature of Judicial Officer

A F F I D A V I T

I, Andrew Reynolds, being duly sworn, hereby state as follows:

I.

INTRODUCTION

1. I am employed as a Special Agent ("SA") with the Department of Homeland Security ("DHS"), United States Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI") and have been so employed since August 2009. I am currently assigned to the Office of the Special Agent In Charge, Los Angeles ("SAC/LA") Intellectual Property Rights ("IPR") group. While a SA with ICE HSI, I have investigated and assisted other agents in investigating numerous investigations involving violations regarding fraud and Intellectual Property Rights (IPR). Prior to my employment with ICE HSI as a SA, I served as a Student Trainee (Criminal Investigator) with ICE for approximately one year at the SAC/LA Border Enforcement Security Task Force (BEST), SAC/LA Narcotics and Smuggling groups. My duties included assisting agents in investigating narcotics trafficking and human smuggling violations. Furthermore as an ICE student trainee, I participated and assisted other state and federal agencies in a wide variety of investigations.

II.

PURPOSE OF AFFIDAVIT

2. I make this affidavit in support of the government's application, pursuant to Title 18, United States Code, Sections 2323(a)(1)(A)-(B) and 981, for warrants to seize the following property (in this case, website domains):

- a. The domain name WWW.RAPGODFATHERS.COM, registered with Enom, Inc., which has its headquarters at 15801 NE 24th Street, Bellevue, Washington 98008;
- b. The domain name WWW.TORRENT-FINDER.COM registered with Blue Razor Domains, Inc., which has its headquarters at 14455 North Hayden Road, Suite 226, Scottsdale, Arizona 85260;
- c. The domain name WWW.RMX4U.COM, registered with Enom, Inc. which has its headquarters at 15801 NE 24th Street, Bellevue, Washington. 98008;
- d. The domain name WWW.DAJAZ1.COM, registered with Fast Domain, Inc., which has its headquarters at 1958 South 950 East, Provo, Utah 84606; and
- e. The domain name WWW.ONSMASH.COM, registered with Godaddy.com, Inc., which has its headquarters at 14455 N. Hayden Road, Suite 219, Scottsdale, Arizona 85260

(collectively referred to as "THE SUBJECT DOMAIN NAMES").

3. The procedure by which the government will seize the SUBJECT DOMAIN NAMES is described in Attachment A hereto and below.

4. As set forth below, there is probable cause to believe that the SUBJECT DOMAIN NAMES are property used, or intended to be used to commit or facilitate criminal copyright infringement, in violation of 18 U.S.C. § 2319 and 17 U.S.C. § 506(a), and are subject to seizure and forfeiture pursuant to 18 U.S.C. § 2323(a).

5. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information and reports obtained from other agents and individuals. This affidavit is intended to show merely that there is probable cause for the requested seizure warrants and does not purport to set forth all of my knowledge of or investigation into this matter.

III.

TECHNICAL BACKGROUND

6. Based on my training and experience and information learned from others, I am familiar with the following terms:

- a. Internet Protocol Address: An Internet Protocol address (IP address) is a unique numeric address used by computers on the Internet. An IP Address is a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet must be assigned an IP address so that Internet traffic sent from and

directed to that computer may be directed properly from its source to its destination. An IP address acts much like a home or business street address -- it enables computers connected to the Internet to properly route traffic to each other. The assignment of IP addresses to computers connected to the Internet is controlled by ISPs.

b. Domain Name: A domain name is a simple, easy-to-remember way for humans to identify computers on the Internet, using a series of characters (e.g., letters, numbers, or other characters) that correspond with a particular IP address. For example, "usdoj.gov" and "cnn.com" are domain names.

c. Domain Name System: The domain name system ("DNS") is, among other things, a hierarchical convention for domain names. Domain names are composed of one or more parts, or "labels," that are delimited by periods, such as "www.example.com." The hierarchy of domains descends from right to left; each label to the left specifies a subdivision, or subdomain, of the domain on the right. The right-most label conveys the "top-level" domain. For example, the domain name "www.example.com" means that the computer assigned that name is in the ".com" top-level domain, and the "example" second-level domain, and that same computer is the web server.

d. Domain Name Servers: DNS servers are computers connected to the Internet that convert, or resolve, domain names into Internet Protocol ("IP") addresses. For each top-level domain (such as ".com"), there is a single company, called a "registry," that determines which second-level domain resolves to which IP address. For example, the registry for the ".com" and ".net" top-level domains is VeriSign, Inc., which has its headquarters at 21355 Ridgetop Circle, Dulles, Virginia.

e. Registrar & Registrant: Domain names may be purchased through a registrar, which acts as the intermediary between the registry and the purchasers of the domain name. The individual or business that purchases, or registers, a domain name is called a "registrant." Registrants control the IP address, and thus the computer, to which their domain name resolves. Thus, a registrant may easily move a domain name to another computer anywhere in the world. Typically a registrar will provide a registrant with the ability to change the IP address a particular IP address resolves through an online interface. Registrars typically maintain customer and billing information about the registrants who used their domain name registration services.

f. Internet Service Provider ("ISP"): Many individuals and businesses obtain access to the Internet through businesses known as Internet Service Providers ("ISPs"). ISPs provide their customers with access to the Internet using telephone or other telecommunications lines; provide Internet e-mail accounts that allow users to communicate with other Internet users by sending and receiving electronic messages through the ISP's servers; remotely store electronic files on their customers' behalf; and may provide other services unique to each particular ISP. ISPs maintain records pertaining to the individuals or businesses that have subscriber accounts with them. Those records often include identifying and billing information, account access information in the form of log files, e-mail transaction information, posting information, account application information, and other information both in computer data and written record format.

g. Whois query: A standardized query or method for identifying a particular computer on the Internet by obtaining information from a registry database that identifies the registrar for a particular IP address. For example, if you enter a domain name such as "microsoft.com," Whois will return the name and address of the domain's owner (in that case, Microsoft

Corporation). A "Whois" query can be found on numerous different websites, including www.domaintools.com.

h. Cam: The term "Cam" is a term used to describe multimedia video and audio content which is illegally recorded in a cinema or theater where films are shown. After the content is illegally recorded, the multimedia video and audio is then enhanced in preparation for illegal distribution.

i. Screener: A screener, also known as a work print, normally refers to a Digital Video Disc ("DVD") containing a full length motion picture that is specifically prepared for and sent to movie critics and censors for reviewing purposes before that content is available to the public. It is common practice for "screener" footage to contain watermarks or subtitles which reflect the copyright holder's ownership over the material. Screeners, however, are sometimes illegally obtained and copied or "downloaded" to digital format to allow for illegal distribution. When diverted before or during a motion picture's theatrical release, a screener DVD provides a significantly higher quality of pirated motion picture content compared to content that is obtained through the use of a camcorder in a movie theater. This level of quality is normally not available until the official release date of the motion picture's DVD,

which normally occurs between 60 days and six months after theatrical release.

j. Internet Forum: An "Internet forum," "message board," or "forum" is an online discussion webpage where people can hold conversations in the form of posted messages. They differ from chat rooms in that messages are stored on the server or computer of the website that displays them. Depending on the access level of a user and/or the forum set-up, a posted message might need to be approved by an administrator before it becomes visible to the general public. It is common for forums to require that the general public register with the website in order to become a forum "user" who is able to post messages in the forum. Forums have their own language; e.g. a single conversation is called a "thread." A forum is hierarchical or tree-like in structure: forum - subforum - topic - thread - reply.

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IV.

SUMMARY OF INVESTIGATION AND EFFECT OF INTERNET PIRACY

7. This application arises from an ongoing nation-wide investigation into websites that illegally distribute copyright-protected content, particularly movies, songs, albums and computer software, over the Internet.

8. I know from my participation in the investigation that the Motion Picture Association of America (MPAA) is an industry trade group that represents various major United States motion picture studios that own the rights to the movies that are discussed in this affidavit, and provides investigative analysis and evaluation services for products owned and maintained by their member representatives. According to statistics compiled by the MPAA for 2008, the motion picture and television production industries (the "industry") employ approximately 2.4 million people and paid over \$140 billion in total wages. Over 450,000 of those jobs are in related businesses that distribute motion pictures and television shows to consumers. The industry employs more than 95,000 businesses in all 50 states, businesses such as caterers, dry cleaners, florists, hardware and lumber suppliers, and retailers, to name a few. Approximately \$15.7 billion in federal taxes were collected in 2008 as a result of the industry's activities.

9. Based on my participation in the investigation, I have learned that there is a "domino effect" to online piracy. Online piracy deprives the industry of revenue derived from the "downstream" distribution of movies, software, music and television shows after those products are released in theaters or on television. Downstream revenue funds are used, among other things, to further investment in the industry and to fund pension and healthcare plans for unionized workers in the industry. According to the MPAA, 75% of a motion picture's revenue comes from markets after the initial theatrical release, and more than 50% of scripted television revenues are generated after the first run on television. Domestic industries lose approximately \$25.6 billion a year in revenue to piracy, the domestic economy loses nearly 375,000 jobs either directly or indirectly related to online piracy, and American workers lose more than \$16 billion in annual earnings as a result of copyright infringement.

10. As a result of statistics and yearly reports from the International Federation of the Phonographic Industry (IFPI)¹, I

¹The IFPI represents the interests of international musical artists and recording industry ("member") companies and firms. The IFPI's mission is to promote the value of recorded music by safeguarding the rights of record producers through international anti-piracy coordination, to include the submission of cease and desist (C & D) requests to violators and involved third parties.

have also learned that in 2008, the digital music business internationally grew by approximately 25 percent to \$3.7 billion. Digital platforms now account for about 20 percent of recorded music sales up from 15 percent in 2007. The recorded music industry generates a greater proportion of its revenues through digital sales than the film industry by a five to one ratio. The United States is the world leader in digital music sales, accounting for some 50 percent of the global digital music market value. Single track downloads crossed the one billion mark for the first time in 2008, totaling 1.1 billion; and digital album sales totaled 66 million. IFPI estimates that more than 40 billion files were illegally file-shared in 2008, giving a piracy rate of around 95 percent.

11. Many of the websites that are involved in the illegal distribution of copyright-protected content over the Internet may be divided into three classes: "linking" websites, "cyberlocker" websites and "Bit torrent" websites.

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12. I know from my participation in the investigation that "linking" websites generally collect and catalog links² to files on third party websites that contain illegal copies of copyrighted content, including movies, television shows, software and music.³ Linking websites organize these links by, for example, movie title or genre, to make them easily accessible. Users simply click on a link to begin the process of downloading or streaming (real-time viewing/listening) to their own computer an illegal copy of a movie, television show, software program or music file from the third party website at which it is stored. Linking websites are popular because they allow users to quickly browse content and locate illegal copies that would otherwise be more difficult to find through manual searches of the Internet.

² For purposes of this affidavit, a "link" is code which specifies a particular webpage or file on the Internet. If clicked on by a user, a link can, for example, bring up the relevant web page in an Internet browser or run a program. For example,

"<http://movies.nytimes.com/2010/06/18/movies/18toy.html?scp=1&sq=toy%20story%203&st=cse>" is a link to a webpage containing the New York Times' review of the movie "Toy Story 3." A "link" may also be referred to as a "Uniform Resource Locator" or "URL."

³ I know from my participation in the investigation that illegal copies of motion pictures are frequently made by surreptitiously videotaping movies while they are being shown in theaters. These infringing copies are then quickly distributed over the Internet, sometimes within hours of a movie's initial release. Illegal copies of motion pictures are also made by illegally copying authorized DVD's of those movies.

Linking websites also often allow users to post links to infringing content. Some linking websites are "forum-based," meaning that the links to pirated content are contained in the website's Internet forum.

13. I also know from my participation in the investigation that the third party websites on which the illegal copies of movies and television shows are stored for later downloading or streaming are sometimes referred to as "cyberlocker" websites. Cyberlockers allow users to upload infringing content and often feature high-capacity data connections that allow users conveniently to download or stream that content relatively quickly. Cyberlocker websites also may allow users to search for and download specific content directly without first going through a linking website. Finally, a cyberlocker may use different servers to host its webpage, receive uploads, and handle downloading or streaming content. Each computer server connected to the Internet is identified by one or more IP addresses.

14. I also know from my participation in the investigation that the websites through which illegal copies of movies and television shows are shared and transferred are known as "Bit torrent" websites. A Bit torrent (referred to in short as "torrent" or "torrent file") is a files distribution system used

for transferring files across a network of people. As you download a file to your computer, Bit torrent makes what you download available for other people to download straight from your computer; when multiple people are downloading the same file at the same time, they provide (or "upload") pieces of the file to each other. Bit torrent pieces together the file you are downloading, so it does not matter whether you have the first part of the file or the last part of the file, or in what order you download it. As you continue to retrieve the file, Bit torrent also prioritizes how to connect people to one another for file sharing based on the pieces of the file they have obtained. For example, a person with 98 percent of the file done is directed to the people with the 2 percent of the file they still need. Bit torrent websites allow users to upload infringing content and often feature high-capacity files while allowing users conveniently to download or stream that content relatively quickly from large numbers of other people also downloading the file. Bit torrent websites also may allow users to search for and download Bit torrent files through a linking site. Finally, a Bit torrent website may use different servers to host its webpage, receive uploads, and handle Bit torrent content. Each computer server connected to the Internet is identified by one or more IP addresses.

15. This investigation has identified five linking, cyberlocker or Bit torrent websites that are among the most popular such websites on the Internet for distributing illegal copies of movies, television shows, software and music files. These websites are: (1) RapGodFathers.com (hereinafter "RAPGODFATHERS.COM"); (2) torrent-finder.com (hereinafter "TORRENT-FINDER.COM", (3) RMX4U.COM (hereinafter "RMX4U.COM"), (4) dajaz1.com (hereinafter "DAJAZ1.COM"), and (5) onsmash.com (hereinafter "ONSMASH.COM"). Based on the facts set forth below, I believe that each of these websites are actively facilitating the distribution of pirated content. Based on the investigation, it appears that website administrators and/or representatives from each of these five websites supply access to, and advertising for, the pirated content via their websites and/or provide access for any Internet users to download such pirated content.

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V.

PROBABLE CAUSE FOR SEIZURE AND FORFEITURE

16. During the course of this investigation, I have reviewed the below linking sites, Bit torrent sites cyberlockers using computers located in Long Beach, in Los Angeles County, California, and have used those websites to download multiple illegal copies of copyrighted motion pictures, software and music, as described below.

The RAPGODFATHERS.COM WebsiteA. General Description

17. Based on my review of webpages that are available at the RAPGODFATHERS.COM website, I have learned the following:

a. RAPGODFATHERS.COM is a forum-based "linking" website. According to the site's "Terms of Service" page:

The service is offered to you conditioned on your acceptance without modification of the terms, conditions, and notices contained herein. By visiting and using RapGodFathers.com or any of its affiliate sites and services, you are acknowledging your full compliance to the terms listed here. . . .

RapGodFathers.com is based on its links to third party sites. The linked sites are not under the control of RapGodFathers.com and RapGodFathers.com is not responsible for the content of any linked sites or links contained in a linked site. . . .The links are gathered automatically

We do not manually check every file for copyright issues, and therefore we do not assume any responsibility or liability for the contents of the

WhoisGuard.com, a company which protects the identity of domain registrants by placing their information in WHOIS and providing an option to redirect email and regular mail to the customer's real address.

36. Publicly available WHOIS records also revealed that the RAPGODFATHERS.COM site is hosted on a computer assigned IP address 67.216.80.3, which is owned by ColocateUSA, located at 2327 Wise Road, Grand Prairie, Texas 75052.

The TORRENT-FINDER.COM Website

A. General Description

37. Based on my review of web pages that are available at the TORRENT-FINDER.COM website, I have learned the following:

a. TORRENT-FINDER.COM is a linking and Bit torrent website. According to a disclaimer located at the bottom of the site's web pages, "Torrent Finder is a 100% legal website, in strict compliance with all local laws and copyright agreements." The website's home page also explains that "Torrent Finder is a Bit Torrent Multi Search Engine which searches 165 torrent sites and trackers from one page. . . Protect yourself from your ISP, Hide your personal activity while downloading torrents."

b. Based on my participation in the investigation and my discussion with MPAA representatives, I know that despite this disclaimer, the webpage still lists terms which indicate the

production and distribution of pirated content as well as the concealment of the user's identity while downloading pirated content.

c. On or about October 15, 2010, the website's homepage displayed several "High Speed Downloads," the first of which was titled "Secretariat Ripped." Based on my training and experience, queries of public movie listings and my discussion with MPAA representatives, I know that "Secretariat" is a first-run movie that was released in theaters on or about October 8, 2010 and was not yet released to the general public for home-viewing. I also know that in the above-referenced context, the term "Ripped" refers to a pirated copy of a movie which was created - i.e. ripped from - the original digital source material, often after the security protection on the original digital source is removed.

d. The top of the site's home page includes the logos and titles of other torrent websites which are links available through TORRENT-FINDER.COM. The titles of these torrent websites included the following: "PSP Pirates," "Pirateeuropa," "ThePirateBay," "Kick Ass Torrents," "FileMP3.org," "OpenSharing," and "MoviesDVDR."" (Emphasis added.)

e. The first page a user sees when accessing the site

contains a search text-box, in which a user is able to enter any keyword or phrase to initiate a search of links available on TORRENT-FINDER.COM which lead to downloadable content.

B. Pirated Movies via TORRENT-FINDER.COM

38. On or about November 10, 2010, I used the above-referenced search text-box to search for download links which contain the keyword "Cam" in the file title. (As explained in the technical definition section above, "Cam" refers to movies that have been recorded with camcorders while the movie is playing in theaters. Movie files created in this way frequently have the term "cam" in the file title.) The result of my search consisted of 1,000 pages with 30 download links per page, equaling 30,000 links. The results were listed beginning with the most popular links which contained the keyword "Cam;" the listings also showed how many computers were currently accessing ("Seeding" or "leeching") the torrent file and whether or not the links were "verified torrents"¹³:

¹³ In the above-referenced context to Bit torrent files, a "seed" is a computer that has an entire copy of the torrent and offers it for upload. The more seeders there are, the better the chances of getting a higher download speed. If the seeder seeds the whole copy of the download they should get faster downloads. A "leech" is a computer that either does not have 100 percent of the data or who has a negative effect on the download speed by downloading much more of the file than they upload. A "verified" Bit torrent file is a file that has been checked and approved by the evaluators of the website (which can either be people or an

- Paranormal Activity 2 2010 CAM Xvid-REVIVE [verified], [approximately 3,840 seeds / leeches]
- Inception.2010.CAM.Xvid-TA(FULL MOVIE) [verified], [approximately 3,738 seeds / leeches]
- Jackass 3D 2010 Cam H264 Feel-Free [verified], [approximately 3,531 seeds / leeches]
- The Social Network CAM XVID - IMAGiNE [verified], [approximately 3,178 seeds / leeches]
- DUE DATE 2010 Cam Xvid Feel-Free [verified] [approximately 3,597 seeds / leeches]
- Megamind 2010 Cam-CLASSiFiED [verified] [approximately 2,311 seeds / leeches]

39. I know that once a user selects a movie and clicks on the corresponding link, a new webpage listing numerous details about the movie file¹⁴ as well as links to download the movie file from cyberlocker websites or as a Bit torrent file appears. A user can then click on one of the links to download the movie from the relevant website.

40. Based on my participation in the investigation, review of public movie listings and my discussions with MPAA representatives, I know that the above-referenced titles reflect several movies which are currently unreleased on DVD, unavailable

automated computer function) which attaches the term to the Bit torrent file link.

¹⁴ Details to include pictures, cover art, cast, screenshots, descriptions and reviews.

for public home-viewing and the copyright holders did not authorize their third party distribution over the Internet by TORRENT-FINDER.COM or any other website.

41. On November 15, 2010, I did the same search for keyword "cam" and the result again consisted of 1,000 pages containing 30 links per page, equaling 30,000 matches. This time, I reviewed the first 10 pages of results and it appeared that approximately 80% of the results on those 10 pages contained movies with the term "cam" in the digital file title.¹⁵ Some of the movie titles listed on the first page (hence, the most popular downloaded movies) were the following:

- Due Date 2010 Cam XviD Feel-Free [verified], [approximately 5,860 seeds / leeches]
- Paranormal Activity 2 2010 CAM-XviD-REVIVE [verified], [approximately 4,719 seeds / leeches]
- Megamind 2010 Cam-CLASSiFIED [verified] [approximately 2,627 seeds / leeches]
- The Social Network CAM XviD - IMAGINE [verified] [approx 2,517 seeds / leeches]
- Saw 7 2010 CAM XviD - danytheone (NEWVIDEOSOURCE) [verified] [approximately 3,041 seeds / leeches]

¹⁵ The other approximately 20% of the results contained "cam" in the file title for some other reason, such as the actress Cameron Diaz being listed in the file title.

C. TORRENT-FINDER.COM Forum Posts by Forum User "Torrent Finder"

42. Users of the torrent-finder.com website can click tabs at the top of each webpage to browse categories such as "Search" "Forums," and "News." On October 26, 2010, I accessed the portion of the website called "Forums" which allowed users to post comments about movies, software, video games, music, participate in forum discussions with other users, and create messages which link to other Bit torrent websites.

43. I was able to view several posts by the user "Torrent Finder," including "Top 10 Most Pirated Movies on BitTorrent," "Piracy in the Music Industry," "Piracy Can Boost Book Sales Tremendously," "The First Episode of 'The Walking Dead' Leaks to BitTorrent," and "Piracy domain seizure bill gains support."

44. From reviewing these posts by the user "Torrent Finder," I learned that the above-referenced postings contained links and information to pirated movies including "Wall Street: Money Never Sleeps," "The Social Network," "Red," and other movies. (A screen shot, as it existed on October 26, 2010, is attached hereto as Exhibit C.) Based on my conversations with MPAA representatives and my review of public movie listings, I learned that as of October 26, 2010, these movies were playing in theaters and the copyright holders did not authorize their third

party distribution over the Internet by TORRENT-FINDER.COM or any other website.

45. During my investigation, I further concluded that the user "Torrent Finder" is an Administrator and representative of TORRENT-FINDER.COM. I came to this conclusion based on two significant facts. First, the title "Admin" is located below the user's name. Based on my training and experience, I know that a forum user's title can only be created by the website, not the user. Second, the words "Torrent Finder Admin" and the Torrent Finder.com logo are listed in the user's "signature."¹⁶

D. Downloads of Infringing Content via TORRENT-FINDER.COM

46. On October 15, 2010, I searched TORRENT-FINDER.COM for the movie "The Town" and received four results which contained the word "Cam" in the file title. At the time of this search, the movie "The Town" was still playing in theaters and was not yet released to the general public for home viewing. I clicked on the link to the torrent file listed as "The Town CAM AC3 XviD {READ NFO} - IMAGINE - {GalaxyRelease}" (hereinafter "The Town movie file") which displayed the torrent file hosting website

¹⁶ In the above-referenced context to Internet forums, the term "signature" refers to the signature block or block of text automatically appended at the bottom of an email message, forum post or other Internet-based discussion.

"Kick Ass Torrents." At this point, I was still on the Torrent Finder website, but was able to see a page of the Kick Ass Torrents website associated with The Town movie file. The page contained a detailed description of The Town movie file which included a copy of an advertising poster for "The Town" film, screenshots of The Town movie file, an Internet Movie Database (IMDb)¹⁷ link and description, cast listings, the term "Cam" listed under "Detected Quality" as well as a list of the files stored within the torrent file.

47. Towards the bottom of the webpage, under a text box labeled "IMAGINE NOTES," were listed the following comments:

VIDEO: Thanks to a very good friend. . . . :)

AUDIO: Thanks to a very good friend. . . . :)

Video on this was pretty good other than the odd auto focus issues. First was the colors, we messed about with the . . . colors and also brightened it up a bit, . . . and . . . dulled the real bright spots . . . sounds fairly good for cam audio. You can hear the odd laughing and such, but not bad at all. Sample was made so you could hear the laughter at one certain spot. . .

48. Based on my training and experience, the above comments

¹⁷ The Internet Movie Database (IMDb) is an online database of information related to movies, actors, television shows, production crew personnel, video games, and fictional characters featured in visual entertainment media.

refer to the fact that the movie was videotaped with a camcorder and that you could hear the laughter of the movie audience in the theater where the film was illegally recorded. While initiating the download, I was provided with the following two options to download the movie: (1) "Download Torrent" (from a Bit torrent site), and (2) "Download Movie" (a direct download from a cyber locker).

49. I clicked on the "Download Movie" option and it took me to a page contained on the "Kick Ass Movz" website which contained a download link to download The Town movie file. After attempting to download the movie, it required that I register and pay a fee to Kick Ass Movz, so I instead returned to Torrent Finder.com and clicked on the option listed as "Download Torrent." This allowed me to download the Bit torrent file and as a result, I was ultimately able to download a copy of the following file:

Date	Movie	Linking website	Bit torrent website	File Name
10/15/2010	The Town	www.torrent-finder.com	"KICK ASS Torrents"	The Town CAM AC3 XViD - IMAGINE

50. On October 18, 2010, I submitted a sample of the Town movie file to MPAA investigator Michael Radziewicz.

51. On or about October 28, 2010, MPAA representatives examined a copy of The Town movie file that I obtained via TORRENT-FINDER.COM. I was informed by MPAA investigator Radziewicz that The Town movie file was an unauthorized release of the movie "The Town," a movie owned by Summit Entertainment, LLC. I later reviewed a copy of the copyright application for The Town and learned that the film was copyrighted based on the following Claim Details:

Claim ID	Case #	Title of Work	Type of Work	Author	Claimant
1-81XK55	1-486974771	The Town	Motion Picture	Warner Bros. Entertainment Inc.	Warner Bros. Entertainment Inc.

52. Radziewicz also informed me that the Town movie file was a "cam," meaning that it had been illegally copied in the theater with a camcorder.

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E. Advertising Revenue Paid to TORRENT-FINDER.COM

53. Advertisements appear on various portions of the TORRENT-FINDER.COM website, including on pages that include download links to movies, music, and computer software. As noted above, I also know from my participation in the investigation and as a result of information obtained from, and my discussions with, representatives of Value Click,¹⁸ that companies which place advertisements on websites typically pay a fee to the website's owner based on, among other things, the number of website users who view the advertisement as well as the number of times users click on the advertisement.

54. Based upon information I received from Value Click, the following chart reflects advertising revenues that Value Click paid to the owners of the TORRENT-FINDER.COM website for advertisements appearing on various portions of the TORRENT-FINDER.COM website, corresponding to the number of people that view and interact with the website¹⁹:

¹⁸ ValueClick, based in Westlake Village, California, is an online advertising company which provides online advertising campaigns and programs for advertisers and advertising agency customers in the United States and internationally.

¹⁹ It is significant to note that ValueClick is only one of multiple online advertising companies that TORRENT-FINDER.COM uses on its website and thus is not the only advertising company which provides revenue to the TORRENT-FINDER.COM website owners. Thus, the above advertising revenues reflect only a portion of

Website Listed on Account	Amount	Date Sent	Method
www.torrent-finder.com	\$345.00 USD	2/23/2009	Direct Deposit
www.torrent-finder.com	\$89.00 USD	1/16/2009	Direct Deposit
www.torrent-finder.com	\$1,469.85 USD	12/18/2008	Direct Deposit
www.torrent-finder.com	\$1,527.85 USD	11/25/2008	Direct Deposit
www.torrent-finder.com	\$2,111.15 USD	10/24/2008	Direct Deposit
www.torrent-finder.com	\$4,265.20 USD	8/19/2008	Direct Deposit
www.torrent-finder.com	\$2,845.25 USD	7/18/2008	Direct Deposit
www.torrent-finder.com	\$565.80 USD	6/19/2008	Direct Deposit
www.torrent-finder.com	\$640.80 USD	5/19/2008	Direct Deposit
www.torrent-finder.com	\$568.45 USD	4/21/2008	Direct Deposit
www.torrent-finder.com	\$631.90 USD	3/20/2008	Direct Deposit

the advertising profits that the owners of TORRENT-FINDER.COM are receiving.

F. The TORRENT-FINDER.COM Domain

55. According to valuethewebsite.com, as of on or about November 12, 2010:

- a. The Alexa.com ranking for TORRENT-FINDER.COM shows it was the 4,980th most popular website in the United States;
- b. TORRENT-FINDER.COM had 103,978 daily page views;
- c. TORRENT-FINDER.COM had an estimated worth of \$ 373,678.00

56. A search of publicly available WhoIs domain name registration records revealed that the TORRENT-FINDER.COM domain was registered on or about August 22, 2004 through the registrar Blue Razor Domains, Inc. which has its headquarters at 14455 North Hayden Road, Suite 226, Scottsdale, Arizona 85260. The publicly available WhoIs database lists the registrant of the TORRENT-FINDER.COM as W7 Media, a company which protects the identity of domain registrants by placing their information in WhoIs, providing an option to redirect email and regular mail to the customer's real address as well as providing a number of IP related services to its clients.

57. Publicly available WhoIs records also revealed that the TORRENT-FINDER.COM site is hosted on a computer assigned IP address 208.87.34.18, which is owned by Secure Hosting, located at Robinson & Marathon Roads, P.O. Box CB13862, Nassau, Bahamas.

their information in WhoIs and providing an option to redirect email and regular mail to the customer's real address. Publicly available WhoIs records also revealed that the ONSMASH.COM site is hosted on a computer assigned IP address 207.58.138.102, which is owned by ServInt located at 6861 Elm Street 4th Floor, McLean, Virginia 22101.

VI.

STATUTORY BASIS FOR SEIZURE AND FORFEITURE

98. Title 18, United States Code, Section 2323(a)(1)(A) and (B) provide, in relevant part, that any property used, or intended to be used to commit or facilitate criminal copyright infringement (18 U.S.C. § 2319; 17 U.S.C. § 506(a)), or constituting or derived from proceeds obtained directly or indirectly from the violation of Title 18, United States Code, Section 2319 and/or Title 18, United States Code, Section 2319(d)(1) are subject to both civil and criminal forfeiture to the United States government.

99. Title 18, United States Code, Section 2323(a)(2) provides that the procedures set forth in Chapter 46 of Title 18 (18 U.S.C. § 981, et seq.) shall extend to civil forfeitures under Section 2323(a). Title 18, United States Code, Section 981(b)(1) authorizes seizure of property subject to civil forfeiture based upon a warrant supported by probable cause.

Title 18, United States Code, Section 981(b)(3) permits the issuance of a seizure warrant by a judicial officer in any district in which a forfeiture action against the property may be filed and may be executed in any district in which the property is found.

100. Neither a restraining order nor an injunction is sufficient to guarantee the availability of the SUBJECT DOMAIN NAMES for forfeiture. By seizing the SUBJECT DOMAIN NAMES and redirecting them to another website, the Government will prevent third parties from acquiring the names and using them to commit additional crimes. Furthermore, seizure of the SUBJECT DOMAIN NAMES will prevent third parties from continuing to access the five websites listed above.

101. As set forth above, there is probable cause to believe that the SUBJECT DOMAIN NAMES are subject to both civil and criminal forfeiture because they were used in the commission of criminal copyright infringement and conspiracy to commit criminal copyright infringement.

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VII.

SEIZURE AND FORFEITURE PROCEDURE

102. As detailed in Attachment A, upon execution of the seizure warrant, the registry for the ".net" and ".com" top-level domains, Verisign, Inc., headquartered at 21355 Ridgetop Circle, Lakeside III, Dulles, Virginia 20166 ("Verisign"), shall be directed to restrain and lock the SUBJECT DOMAIN NAMES pending transfer of all right, title, and interest in the SUBJECT DOMAIN NAMES to the United States upon completion of forfeiture proceedings, to ensure that changes to the SUBJECT DOMAIN NAMES cannot be made absent court order or, if forfeited to the United States, without prior consultation with ICE.

103. In addition, upon seizure of the SUBJECT DOMAIN NAMES by ICE, Verisign will be directed to point the SUBJECT DOMAIN NAMES to a particular IP address, which will display a web page notifying users, including the registrants, of the seizure of the SUBJECT DOMAIN NAMES.

104. Registrars also maintain certain records relating to the owner of each domain name for which it is the top-level registry, including the SUBJECT DOMAIN NAMES (the "Domain Name Records"). Certain of these records are available to the public through a "whois" lookup through a web browser, among other means. At the time the SUBJECT DOMAIN NAMES are seized, the

relevant registrars will be directed to change the "Technical Contact" and "Administrative Contact" fields of the Domain Name Records for the SUBJECT DOMAIN NAMES to contact information relating to ICE to reflect the fact that the SUBJECT DOMAIN NAMES have been seized; and to change the name server fields of the Domain Name Records to effect the forgoing changes. All other fields will be changed so that they do not reflect any individual or entity.

105. Upon completion of forfeiture proceedings, all Domain Name Records for the SUBJECT DOMAIN NAMES will be changed to reflect the transfer of ownership to the United States.

VIII.

CONCLUSION

106. Based on the information contained in this affidavit there is probable cause to believe that the SUBJECT DOMAIN NAMES are property that has been used, or are intended to be used to commit or facilitate criminal copyright infringement.

Accordingly, the SUBJECT DOMAIN NAMES are subject to civil forfeiture under 18 U.S.C. § 2323(a) and seizure pursuant to 18 U.S.C. § 981(b).

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Accordingly, it is requested that the seizure warrants be issued for the following SUBJECT DOMAIN NAMES:

- RAPGODFATHERS.COM,
- TORRENT-FINDER.COM,
- RMX4U.COM,
- DAJAZ1.COM, and
- ONSMASH.COM.

/s/

Andrew T. Reynolds
Special Agent
Immigration and Customs Enforcement,
Homeland Security Investigations

Subscribed and sworn to before
me on this *17th* day of November 2010.

MARGARET A. NAGLE

THE HONORABLE MARGARET A. NAGLE
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT AI. Seizure Procedure

A. The seizure warrant will be presented in person or transmitted via facsimile or email to personnel of the domain name registry listed in Section II ("Subject Registry") and the domain name registrars listed in Section III ("Subject Registrars") who will be directed, for the domain names listed in Section IV ("Subject Domain Names") for which it serves as the top-level domain registry, to make any changes necessary to restrain and lock the domain names pending transfer of all rights, title, and interest in the Subject Domain Names to the United States upon completion of forfeiture proceedings.

B. Upon seizure of the Subject Domain Names, the Subject Registry shall point the Subject Domain Names to IP address 74.81.170.110, at which the Government will display a web page with the following notice:

This domain name has been seized by ICE - Homeland Security Investigations, pursuant to a seizure warrant issued by a United States District Court under the authority of 18 U.S.C. §§ 981 and 2323.

Willful copyright infringement is a federal crime that carries penalties for first time offenders of up to five years in federal prison, a \$250,000 fine, forfeiture and restitution (17 U.S.C § 506, 18 U.S.C. § 2319). Intentionally and knowingly trafficking in counterfeit goods is a federal crime that carries penalties for first time offenders of up to ten years in federal prison, a \$2,000,000 fine, forfeiture and restitution (18 U.S.C. § 2320).

C. Upon seizure of the Subject Domain Names, the Subject Registry shall take all steps necessary to restrain and lock the domain at the registry level to ensure that changes to the Subject Domain Names cannot be made absent a court order or, if forfeited to the United States government, without prior consultation with United States Immigration and Customs Enforcement. The DNS record should be altered to remove any applicable name servers.

D. Upon seizure of the Subject Domain Names, the Subject Registrars shall modify any records, databases, tables, or documents that are used by the Subject Registrars to identify the owner of the Subject Domain Names to reflect the seizure of the Subject Domain Names. These changes relate to the following records, if they exist:

1. The "Technical Contact" and "Administrative Contact" fields will reflect the following information:

- a. Name: U.S. Immigration and Customs Enforcement
- b. Address: National Intellectual Property Rights
500 12th Street SW
Washington, DC 20024
- c. Country: USA
- d. Telephone: 1-866-IPR-2060 (477-2060)
- e. Email: IPRCenter@dhs.gov
- f. Fax: 202-307-2127

2. Any remaining fields will be changed so they do not reflect any individual or entity.

E. The Subject Registry shall take any steps required to propagate the changes detailed in Section D to any applicable DNS servers.

II. Subject Registry

Verisign, Inc.
21355 Ridgetop Circle
Dulles, Virginia 20166

III. Subject Registrars

Enom, Inc.,
15801 NE 24th Street
Bellevue, Washington 98008

Blue Razor Domains, Inc.
14455 North Hayden Road, Suite 226
Scottsdale, Arizona 85260

Godaddy.com, Inc.
14455 N. Hayden Road, Suite 219
Scottsdale, Arizona 85260

Fast Domain, Inc.
1958 South 950 East
Provo, Utah 84606

IV. Subject Domain Names

RAPGODFATHERS.COM,
TORRENT-FINDER.COM,
RMX4U.COM,
DAJAZ1.COM, and
ONSMASH.COM

Windows Essential Applications - Rep Goodrathers Community - Windows Internet Explorer

File Edit View Favorites Tools Help

reppodthers.com

Free HTML

Pop-up blocked. Also, to help protect your security, Internet Explorer blocked other content from this site. Click here for options...

Post Reply

Thread Tools · Search this Thread · Rate Thread · Display Modes

Page 1 of 2

Windows Essential Applications

Autumn's Software/Spyware Software

Autumn's Windows Tools

BrowserS

Download Managers

Google Earth

Google Earth Pro 6.0.2127.1232

Photo Gallery Tools

TorrentFreak

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Top 10 Most Pirated Movies on BitTorrent

Ernesto

The top 10 most downloaded movies on BitTorrent, "Wall Street: Money Never Sleeps" tops the chart this week, followed by "Resident Evil: Afterlife". "Red" completes the top three.

This week there are three newcomers in the list including a Cam of The social Network. Wall Street: Money Never Sleeps is the most downloaded movie on BitTorrent this week.

The data for our weekly download chart is collected by TorrentFreak, and is for informational and educational reference only. All the movies in the list are DVDRips unless stated otherwise.



[RSS feed](#) for the weekly movie download chart.

Week ending December 24, 2010

Ranking	Change	Movie	Rating / Trailer
1	(-)	Wall Street: Money Never Sleeps (RS)	6.7 / trailer
2	(2)	Resident Evil: Afterlife (RS)	6.4 / trailer
3	(1)	Red (DVDRip)	7.6 / trailer
4	(3)	Jonah Hex	4.4 / trailer
5	(4)	Get Him To The Greek	6.9 / trailer
6	(-)	The Switch (RS)	5.9 / trailer
7	(5)	Machete (RS)	7.5 / trailer
8	(9)	Knight and Day (RS)	6.6 / trailer
9	(-)	The Social Network (Cam)	8.4 / trailer
10	(10)	Piranha (RS)	6.5 / trailer

Comments

0 Comments

Previously: [Piracy and The Music Industry, The Voices Of Artists Matter](#)

Next: [Secret Anti-Piracy Negotiations, 3 Strikes, And a Taxpayer Funded Campaign](#)

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i The webpage cannot be found

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- If you clicked on a link, it may have moved

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- Retype the address.
- Go back to the previous page.

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You are one step away from helping Aissata and other local health workers help more kids.