



**VIA ELECTRONIC MAIL**

May 9, 2019

Namecheap  
4600 East Washington Street  
Suite 305  
Phoenix, AZ 85034

Dear Sir or Madam:

I am contacting you on behalf of the Recording Industry Association of America, Inc. (RIAA) and its member record companies. The RIAA is a trade association whose member companies create, manufacture and distribute approximately eighty-five (85) percent of all legitimate sound recordings sold in the United States.

We have determined that a user of your system or network has infringed our member record companies' copyrighted sound recordings.

Enclosed is a subpoena compliant with the Digital Millennium Copyright Act. The subpoena requires that you provide the RIAA with information concerning the individual offering infringing material described in the attached notice.

As is stated in the attached subpoena, you are required to disclose to the RIAA information sufficient to identify the infringer. This would include the individual's name, physical address, IP address, telephone number, e-mail address, payment information, account updates and account history.

Thank you for your cooperation in this matter. If you have any questions please feel free to contact me via email at [antipiracy@riaa.com](mailto:antipiracy@riaa.com), via telephone at (202) 775-0101, or via mail at RIAA, 1025 F Street N.W., 10th Floor, Washington, D.C., 20004.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark McDevitt", is written over a light blue horizontal line.

Mark McDevitt  
Vice President, Online Anti-Piracy



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May 9, 2019

Namecheap  
4600 East Washington Street  
Suite 305  
Phoenix, AZ 85034

Dear Sir or Madam:

I am contacting you on behalf of the Recording Industry Association of America, Inc. (RIAA) and its member record companies. The RIAA is a trade association whose member companies create, manufacture and distribute approximately eighty-five (85) percent of all legitimate sound recordings sold in the United States. Under penalty of perjury, we submit that the RIAA is authorized to act on behalf of its member companies on matters involving the infringement of their sound recordings, including enforcing their copyrights and common law rights on the Internet.

We believe your service is hosting the below-referenced domain name on its network. The website associated with this domain name offers files containing sound recordings which are owned by one or more of our member companies and have not been authorized for this kind of use, including without limitation those referenced at the URL below. We have a good faith belief that the above-described activity is not authorized by the copyright owner, its agent, or the law. We assert that the information in this notification is accurate, based upon the data available to us.

We also ask that you consider the widespread and repeated infringing nature of the site operator(s)' conduct, and whether the site(s)' activities violate your terms of service and/or your company's repeat infringer policy.

This e-mail does not constitute a waiver of any right to recover damages incurred by virtue of any such unauthorized activities, and such rights as well as claims for other relief are expressly retained.

You may contact me at RIAA, 1025 F Street N.W., 10<sup>th</sup> Floor, Washington, D.C., 20004, Tel. (202) 775-0101, or e-mail [antipiracy@riaa.com](mailto:antipiracy@riaa.com), to discuss this notice. Thank you for your assistance in this matter.

Sincerely,



Mark McDevitt  
Vice President, Online Anti-Piracy

[https://www.youtubnow.com/watch/?v=LkN\\_k0j12Wk](https://www.youtubnow.com/watch/?v=LkN_k0j12Wk)  
*Gloria Estefan - Falling In Love (Uh-Oh)*

<https://www.youtubnow.com/watch/?v=lyNa-ReeZc8>  
*Robert Palmer - I Didn't Mean To Turn You On*

<https://www.youtubnow.com/watch/?v=iNngC1Ea2rA>  
*Nu Shooz - I Can't Wait*

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

RECORDING INDUSTRY ASSOCIATION  
OF AMERICA, INC.

Plaintiff,

vs.

NAMECHEAP.

Defendant.

) Case Number:

) **DECLARATION OF MARK McDEVITT**

) **IN SUPPORT OF ISSUANCE OF**  
) **SUBPOENA PURSUANT TO 17 U.S.C §**  
) **512(h)**

I, MARK McDEVITT, the undersigned, declare that:

1. I am a Vice President, Online Anti-Piracy for the Recording Industry Association of America, Inc. (RIAA). The RIAA is a trade association whose member companies create, manufacture or distribute sound recordings. The RIAA is authorized to act on its member companies' behalf on matters involving the infringement of their copyrighted video and sound recordings.

2. The RIAA is requesting the attached proposed subpoena that would order Namecheap to disclose the identity, including name, physical address, IP address, telephone number, e-mail address, payment information, account updates and account history of the user operating the following website:

[https://www.youtubnow.com/watch/?v=LkN\\_k0jl2Wk](https://www.youtubnow.com/watch/?v=LkN_k0jl2Wk)

<https://www.youtubnow.com/watch/?v=lyNa-ReeZc8>

<https://www.youtubnow.com/watch/?v=iNngC1Ea2rA>

3. The purpose for which this subpoena is sought is to obtain the identity of the individual assigned to this website who has induced the infringement of, and has directly engaged in the infringement of, our members' copyrighted sound recordings without their authorization. This information will only be used for the purposes of protecting the rights granted to our members,

the sound recording copyright owner, under Title II of the Digital Millennium Copyright Act.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information or belief.

Executed at Washington, District of Columbia, on May 9, 2019.

A handwritten signature in blue ink, appearing to read 'Mark McDevitt', is written over a horizontal line. The signature is stylized and cursive.

Mark McDevitt