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9

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
SAN JOSE DIVISION

12 CREATIVECODE LTD.
13 Plaintiff,

14 v.

15 DOES 1-20

16 Defendants.

CASE NO. 5:23-cv-3832

COMPLAINT
AND
DEMAND FOR JURY TRIAL

17 **COMPLAINT**

18 This is an action for violation of 17 U.S.C. §512(f), Intentional Interference with
19 Prospective Economic Advantage, and violation of the California Unfair Competition Law,
20 wherein Plaintiff CreativeCode Ltd. (“Plaintiff”) seeks damages and other relief for the actions
21 committed and/or omitted by the above listed Defendants. Defendants have been sending
22 fraudulent Digital Millenium Copyright Act (“DMCA”) takedown notices to Google LLC and/or
23 its affiliates (“Google”), wherein Defendants falsely allege that they own the copyrights at issue
24

1 (or are authorized by the owner), that Plaintiff’s websites infringe on the referenced work, and
2 that Plaintiff’s website utilized anti-circumvention technology prohibited by the DMCA, when
3 that is not the case and Defendants know well that this is not the case. This has caused Google
4 to either delist or downgrade Plaintiff’s websites’ search results on its search engine, resulting in
5 greatly reduced traffic to Plaintiff’s websites and causing Plaintiff significant damages.

6 All allegations made herein are upon personal information as to Plaintiff’s own activities,
7 and upon information and belief as to the activities of all others referenced.

8 **PARTIES**

9 1. Plaintiff CreativeCode Ltd. is an Anguilla limited company with a registered
10 office address of Anguilla, Hansa Bank Building - 1st Floor Landsome Road, The Valley,
11 Anguilla, British West Indies. Plaintiff has no shareholders, officers, or employees in the United
12 States.

13 2. Defendants Does 1-20 are yet-to-be-identified individuals who are the owners and
14 operators of several websites that have been sending fraudulent DMCA notices to Google falsely
15 alleging that Plaintiff’s websites contain prohibited anti-circumvention technology and are
16 infringing on Defendants’ copyrights.

17 3. Plaintiff is ignorant of the true names and capacities of the defendants sued herein
18 as Does 1 through 20, and therefore sues these defendants by fictitious names. Plaintiff will
19 amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is
20 informed and believes, and thereon alleges, that at all times mentioned herein, each of the
21 fictitiously named defendants is negligently or otherwise responsible in some manner for the
22 occurrences herein alleged, and Plaintiff’s damages as herein alleged were legally and
23 proximately caused by the acts and/or omissions of the fictitiously named defendants. As used
24

1 herein, “Defendants” means all the fictitiously named defendants, and any defendants that may
2 be later named.

3 JURISDICTION AND VENUE

4 4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1331, federal question
5 jurisdiction, because Plaintiff alleges Defendants violated 17 U.S.C. § 512(f).

6 5. Venue is proper in the Northern District of California pursuant to 28 U.S.C. §
7 1391(b)(2) because the fraudulent DMCA take down notices were sent to Google, which is
8 headquartered in Mountain View, Santa Clara County, California, which is within this District.

9 6. *Divisional Assignment.* Pursuant to L.R. 3-2(d) and 3-5(b), this case should be
10 assigned to the San Jose Division because Defendants committed their wrongful actions by
11 sending fraudulent takedown notices to Google in Santa Clara County which is within the San
12 Jose Division.

13 FACTS

14 7. Plaintiff owns and operates certain websites with the URLs of “y2mate.nu” and
15 “ytmp3.nu” (the “Websites”).

16 8. The Websites allow users to save the audio tracks from online videos to their
17 computers without necessarily saving the video content as well.

18 9. The functionality of the Websites is content neutral and there are substantial non-
19 infringing reasons why users want to use the Websites, such as the fact that many publishers put
20 out videos free from copyright and invite users to freely download and copy their work. There
21 are other examples, such as professors or students who might choose to download the audio
22 portions of lectures for later reference and playback; bands that may want to capture the audio
23 tracks from their live performances that they have captured on video; parents that may want the
24 audio portion of a school concert that they recorded; or any other number of other non-infringing

1 uses and fair uses.

2 10. Starting on or about June 27, 2023, Defendants began to submit fraudulent
3 DMCA notices to Google, falsely alleging that the Websites were infringing on copyrights held
4 by Defendants (or that Defendants were authorized to act on account of the copyright holders)
5 and that the Websites implemented software that circumvented technologic barriers regarding
6 copyright. As of the date hereof, Defendants have sent scores of fraudulent DMCA notices to
7 Google regarding the Websites (the “DMCA Notices”).

8 11. When a DMCA notice is sent to Google, Google may “delist” or “downrank” the
9 allegedly infringing URL(s) referenced in the DMCA notice. When Google delists or
10 downranks a URL, this means that the URL either will not come up in a Google search
11 (delisting) or comes up significantly further down in the Google search results (downranking),
12 making it far less likely that a user clicks on a link to a website from a Google search result.

13 12. Indeed, one analysis has reported that *less than one percent* of Google searchers
14 clicked on a web link from the second page of Google search results.¹

15 13. On account of Defendants sending the fraudulent DMCA Notices to Google,
16 Google delisted or downranked the Websites.

17 14. Google delisting or downranking the Websites significantly reduced traffic to the
18 Websites. Indeed, Plaintiff has noticed a striking decrease in visits to the Websites, by
19 approximately hundreds of thousands of clicks per day, since Defendants began sending the
20 fraudulent DMCA Notices.

21 15. Plaintiff monetizes the Websites by selling space on its Websites to advertisers to
22 display their advertisements. The amount that advertisers pay Plaintiff to display their ads on the
23

24 ¹ See <https://backlinko.com/google-ctr-stats>.

1 Websites is directly tied to the volume of traffic that the Websites receive. Therefore, Plaintiff
2 received, or will receive, significantly reduced advertising revenue on account of the fraudulent
3 DMCA Notices.

4 16. Moreover, given the great volume of fraudulent DMCA Notices sent by
5 Defendants, it is an expensive and time-consuming activity to respond and provide counter-
6 notifications under the DMCA for each DMCA Notice, to the extent that Google even considers
7 counter-notifications for the same.

8 **The DMCA Notices are Fraudulent**

9 17. A proper DMCA notice must contain, *inter alia*, a signature of the right holder, or
10 the person authorized to act on behalf of the rights holder, an identification of the copyrighted
11 work in question, and a statement made under the pains and penalties of perjury that the
12 submitter has a good faith and reasonable belief that its rights are being infringed, and that the
13 statements made in the notice are accurate. (*See*, 17 U.S.C. §512(c)(3)).

14 18. The DMCA Notices sent by Defendants were fraudulent for at least three reasons:
15 (a) the Defendants were not copyright holders (or the person authorized by the rights holder to
16 send DMCA notices); (b) the Defendants falsely alleged that the Websites infringed on
17 copyrights and falsely alleged that the Websites implemented anti-circumvention technology
18 barred by the DMCA; and (c) the DMCA Notices otherwise failed to comply with DMCA
19 requirements, such as listing the purported rights holder or the work in question.

20 19. It is obvious that Defendants were not the rights holders of the copyrighted works
21 listed on the DMCA notices. This was clear because on dozens of occasions the DMCA Notices
22 referenced prominent works, but then listed small or obscure entities as the copyright holder (or
23 its authorized representative) for prominent and well-known works. Some DMCA Notices also
24 failed to reference any rights holder at all.

1 20. For instance, in a DMCA Notice submitted on July 28, 2023 against one of
2 Plaintiff's Websites, the Defendant identified as "End Of YouTube Converter" (from the DMCA
3 Notice posted to the Lumen database) alleged that it was authorized to send a DMCA notice with
4 respect to Rick Astley's 1987 hit, "Never Gonna Give You Up."² A copy of this DMCA Notice
5 from the Lumen database is attached hereto as Exhibit 1. It is clear that "End Of YouTube
6 Converter" does not own the copyright to "Never Gonna Give You Up" (and is not otherwise
7 authorized by the actual rights holder). Instead, the copyrights for "Never Gonna Give You Up"
8 are held by All Boys Music, Ltd., for the words and music, and BMG Music for the sound
9 recording of Rick Asley's performance on the 1987 record *Whenever You Need Somebody*. See
10 copyright registration information attached hereto as Exhibit 2.

11 21. Like the Rick Astley song referenced above, it was clear that most, if not all, of
12 the DMCA Notices were sent from senders who did not hold the rights to the works in question.

13 22. Moreover, the DMCA Notices do not provide full information about the entity
14 that sent the notice (and purportedly owns the work). Rather, the names listed seem to be
15 suspiciously obscure or are redacted entirely.

16 23. Many of the DMCA Notices fail to even identify the copyright holder or the
17 copyrighted material. Rather, many DMCA Notices simply list one of the Websites and provide
18 no additional meaningful information. An example of such a DMCA Notice from the Lumen
19 database is attached hereto as Exhibit 3. A similar example, purportedly sent by an entity
20 identified only as "Because Music" is attached hereto as Exhibit 4. Clearly, these are sent to
21

22
23 ² The selection of this particular song is more evidence that Defendants are intentionally
24 harassing Plaintiffs, as this song is the basis for the long-time internet meme of "Rickrolling."
See <https://en.wikipedia.org/wiki/Rickrolling>.

1 harass Plaintiff and encourage Google to delist or downrank the Websites for no legitimate
2 reason.

3 24. It is obvious that the copyright “owners,” as listed in the DMCA Notices, are not
4 actually the owners of the subject copyrights (to the extent that a copyrighted work is even
5 referenced). Rather, it is suspected that many, if not most, of Defendants operate websites that
6 compete with Plaintiff’s Websites, and this is simply an attempt to have Google stamp out
7 Defendants’ competition.

8 25. On July 15, 2023, Plaintiff’s counsel sent a cease-and-desist letter to multiple
9 email addresses through which Plaintiff suspects that one or more of the Defendants submitted
10 the fraudulent DMCA Notices.

11 26. On Monday, July 17, 2023, ostensibly in response to the cease-and-desist
12 demand, a Defendant sent another fraudulent DMCA Notice sent to Google. This Defendant,
13 cheekily, but in complete disregard and violation of United States law, sent a DMCA Notice to
14 Google referencing the YouTube page of Ceelo Green’s hit 2010 single, “F*** You!” A copy of
15 this DMCA Notice from the Lumen database is attached hereto as Exhibit 5. Clearly, the cease-
16 and-desist letter struck its target, receiving an unsubtle and churlish response. This provides
17 even further evidence that the DMCA Notices are fraudulent and meant for no other purpose
18 than to harass.

19 27. In addition to the foregoing deficiencies with the DMCA Notices herein
20 described, the DMCA Notices also misrepresented that the Websites employ circumvention
21 software banned by the DMCA. (For example, see Exhibits 1 and 5). The Websites do not
22 employ such technology.

COUNT I

VIOLATIONS OF 17 U.S.C. §512(f) – All Defendants

1
2
3 28. Plaintiff hereby repeats, realleges, and incorporates by reference the allegations
4 contained in all the foregoing paragraphs as if fully set forth herein.

5 29. In the Defendants’ DMCA Notices to Google, the Defendants falsely alleged that
6 they own the copyrights, or they are the authorized representatives of the copyright owner, of the
7 works cited in the DMCA Notices.

8 30. In fact, Defendants are not the copyright owners of the works cited in the DMCA
9 Notices, nor are they the authorized representatives of the copyright owner of the works cited in
10 the DMCA Notices.

11 31. The DMCA Notices to Google also falsely allege that the Websites’ software
12 implements anti-circumvention technology proscribed by the DMCA.

13 32. In fact, the Websites do not implement anti-circumvention technology proscribed
14 by the DMCA.

15 33. Defendants misrepresented that the Websites violated copyright, despite the many
16 non-infringing and fair uses of the Websites.

17 34. Defendants also knowingly made additional misrepresentations to Google in the
18 DMCA Notices as described herein.

19 35. Google relied on the fraudulent DMCA Notices and delisted or downranked the
20 Websites based on Defendants’ misrepresentations, causing Plaintiff damages.

21 36. Defendants’ misrepresentations to Google in the DMCA Notices caused Plaintiff
22 to suffer damages and harm for which Defendants are liable.

COUNT II

Intentional Interference with Prospective Economic Advantage – All Defendants

37. Plaintiff hereby repeats, realleges, and incorporates by reference the allegations contained in all the foregoing paragraphs as if fully set forth herein.

38. Plaintiff had an economic relationship with the users of the Websites, because the more user traffic to the Websites, the greater the amount of advertising revenue that Plaintiff would receive.

39. Plaintiff also had an economic relationship with Google, because the better relationship it has with Google and its search platform, the greater traffic it would receive to its Websites.

40. Defendants knew about Plaintiff's economic relationship with the Websites' users and Google.

41. Defendants intentionally engaged in wrongful conduct to disrupt these economic relationships as described herein. Specifically, Defendants knowingly sent false and fraudulent DMCA Notices to Google with the intent to cause Google to delist or downrank the Websites.

42. This wrongful activity indeed disrupted Plaintiff's economic relationship with its users and with Google because Google downranked or delisted some or all of the Websites. This can be seen by the sudden drop in traffic to the Websites following Defendants sending the fraudulent DMCA Notices.

43. This wrongful activity has harmed and damaged Plaintiff and Defendants are liable for these activities. Because of the reduced traffic to the Websites caused by Defendants fraudulent DMCA Notices, Plaintiff has, or will, receive reduced advertising revenue from the Websites.

COUNT III

**California Unfair Business Competition Law Bus. and Prof. Code,
§§ 17200 et seq., – All Defendants**

44. Plaintiff hereby repeats, realleges, and incorporates by reference the allegations contained in all the foregoing paragraphs as if fully set forth herein.

45. By Defendants conduct as set forth herein, Defendants have willfully or knowingly engaged in fraudulent, deceptive, unlawful, unfair, and/or other wrongful acts and practices.

46. Without limitation, Defendants’ actions and omissions are, and have been, in violation of California Business and Professional Code §§ 17200, *et seq.*

47. As a result, Plaintiff has suffered harm and damages for which Defendants are liable.

A JURY TRIAL IS DEMANDED ON ALL COUNTS SO TRIABLE

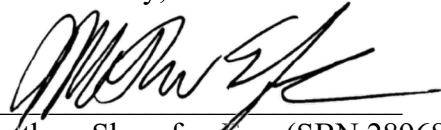
REQUESTED RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court award the following:

1. Enter judgment for Plaintiff on all Counts of its Complaint;
2. Award Plaintiff its damages as determined at trial, at an amount of no less than \$500,000, plus attorneys’ fees, punitive damages, interest, and costs as provided by law;
3. Award Plaintiff its damages, costs, and attorneys’ fees pursuant to 17 U.S.C. §512(f); and
4. Grant Plaintiff such other relief as this Court deems just.

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Respectfully Submitted,
Plaintiff CreativeCode Ltd.
By its attorney,



Matthew Shayefar, Esq. (SBN 289685)
Law Office of Matthew Shayefar, PC

Dated: July 31, 2023

Exhibit 1



Search

Topics

Research and Media Mentions

About

Search all notices...

Go

DMCA (Copyright) Complaint to Google

SENDER

EOYC

on behalf of End Of YouTube

Converter

[Private]

GB

Sent on July 28, 2023

COUNTRY: GB GB

RECIPIENT

Google LLC ⓘ

[Private]

Mountain View, CA, 94043, US

SUBMITTER

Google LLC ⓘ

OTHER ENTITIES: PRINCIPAL

Re: Unknown

NOTICE TYPE: DMCA

Copyright claim 1

KIND OF WORK: Unspecified

DESCRIPTION https://www.youtube.com/watch?v=dQw4w9WgXcQ - Rick Astley - Never Gonna Give You Up (Official Music Video) circumvention content: This website use a tool to bypass YouTube security measures allowing users to illegally download our copyrighted content. circumvention mechanism: circumvention software

ORIGINAL URLS: 01. www.youtube.com - 1 URL

ALLEGEDLY INFRINGING 01. y2tmate.tools - 1 URL

URLS:

- 02. ytmp3.nu - 1 URL
- 03. www.y2mate.com - 1 URL
- 04. v37.www-ytmp3.com - 1 URL
- 05. v7.www-ytmp4.com - 1 URL
- 06. v2.mp3paw.link - 1 URL
- 07. yt5s.io - 1 URL

[Click here](#) to request access and see full URLs.

JURISDICTIONS GB

TOPICS

[DMCA Notices](#), [Copyright](#)

TAGS

© 2017
Lumen

[Spring '22 Research Sprint](#)

[Blog Archive](#)

[Legal](#)

[Licenses](#)

[Privacy](#)

[Researchers](#)

[Sign In](#)

Exhibit 2

Copyright

United States Copyright Office

Try the [Copyright Public Records System \(CPRS\)](#) pilot with enhanced search features and filters.

[Help](#)
[Search](#)
[History](#)
[Titles](#)
[Start Over](#)

Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Name = waterman pete

Search Results: Displaying 61 of 102 entries

[◀ previous](#)
[next ▶](#)

Labeled View

Never gonna give you up / [words & music Stock, Aitken & Waterman].

Type of Work: Music

Registration Number / Date: PA0000375327 / 1988-06-21

Title: Never gonna give you up / [words & music Stock, Aitken & Waterman].

Imprint: Nashville : Terrace Entertainment Corp., [19--]

Description: 1 sound cassette + lyrics sheet.

Copyright Claimant: All Boys Music, Ltd.

Date of Creation: 1986

Date of Publication: 1986-10-01

Authorship on Application: Michael Stock, Matthew James Aitken, Peter Alan Waterman.

Names: [Stock, Michael, 1951-](#)

[Aitken, Matthew James, 1956-](#)

[Waterman, Peter Alan, 1947-](#)

[All Boys Music, Ltd.](#)

[◀ previous](#)
[next ▶](#)

Save, Print and Email ([Help Page](#))

Select Download Format

Enter your email address:

[Help](#)
[Search](#)
[History](#)
[Titles](#)
[Start Over](#)

[Contact Us](#) |
 [Request Copies](#) |
 [Get a Search Estimate](#) |
 [Frequently Asked Questions \(FAQs\) about Copyright](#) |
 [Copyright Office Home Page](#) |
 [Library of Congress Home Page](#)

Copyright

United States Copyright Office

Try the [Copyright Public Records System \(CPRS\)](#) pilot with enhanced search features and filters.

[Help](#)
[Search](#)
[History](#)
[Titles](#)
[Start Over](#)

Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Title = never gonna give you up

Search Results: Displaying 56 of 158 entries



Labeled View

Whenever you need somebody / [performed by] Rick Astley.

Type of Work: Sound Recording

Registration Number / Date: SR0000089479 / 1988-02-29

Title: Whenever you need somebody / [performed by] Rick Astley.

Imprint: c1987.

Publisher Number: RCA Victor 6822-1-R

Description: 1 sound disc : 33 1/3 rpm, stereo. ; 12 in.

Notes: Photography: Paul Cox.

Copyright Claimant: © ® B M G Music

Date of Creation: 1987

Date of Publication: 1987-12-08

Authorship on Application: sound recording, front, back & inner photos.: Peter Waterman, Ltd., employer for hire.

Contents: Never gonna give you up -- Whenever you need somebody -- Together forever -- It would take a strong, strong man -- The Love has gone -- Don't say goodbye -- No more looking for love -- When I fall in love.

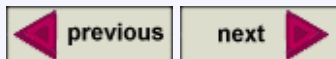
Other Title: The Love has gone.

Names: [Astley, Rick](#)

[Cox, Paul](#)

[BMG Music](#)

[Peter Waterman, Ltd.](#)



Save, Print and Email ([Help Page](#))

Select Download Format

Enter your email address:

[Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)

[Contact Us](#) | [Request Copies](#) | [Get a Search Estimate](#) | [Frequently Asked Questions \(FAQs\) about Copyright](#) | [Copyright Office Home Page](#) | [Library of Congress Home Page](#)

Exhibit 3



Search

Topics

Research and Media Mentions

About

Search all notices...

Go

Advanced Search: add additional search queries

Advanced search input field with 'All words required' checkbox

Add more

Advanced Search

DMCA (Copyright) Complaint to Google

SENDER

[REDACTED]

[Private]

FR

Sent on July 22, 2023

COUNTRY: FR FR



RECIPIENT

Google LLC ⓘ

[Private]

Mountain View, CA, 94043, US

SUBMITTER

Google LLC ⓘ

Re: Unknown

NOTICE TYPE: DMCA

Copyright claim 1

KIND OF WORK: Unspecified

DESCRIPTION [REDACTED]

ORIGINAL URLS: No copyrighted URLs were submitted.

**ALLEGEDLY
INFRINGING
URLS:**

01. ytmp3.nu - 1 URL

[Click here](#) to request access and see full URLs.

JURISDICTIONS

FR

TOPICS

[Anticircumvention \(DMCA\)](#), [Copyright](#)

TAGS

© 2017
Lumen

[Spring '22 Research Sprint](#)

[Blog Archive](#)

[Legal](#)

[Licenses](#)

[Privacy](#)

[Researchers](#)

[Sign In](#)

Exhibit

4



Search

Topics

Research and Media Mentions

About

Search all notices...

Go

Advanced Search: add additional search queries

Advanced search input field with 'All words required' checkbox

Add more

Advanced Search

DMCA (Copyright) Complaint to Google

SENDER

Because Music

[Private]

FR

Sent on July 28, 2023

COUNTRY: FR FR



RECIPIENT

Google LLC

[Private]

Mountain View, CA, 94043, US

SUBMITTER

Google LLC

Re: Unknown

NOTICE TYPE: DMCA

Copyright claim 1

KIND OF WORK: Unspecified

DESCRIPTION [REDACTED]

ORIGINAL URLS: No copyrighted URLs were submitted.

ALLEGEDLY 01. www.ytbvideoly.com - 2 URLs
INFRINGING
URLS:

[Click here](#) to request access and see full URLs.

Copyright claim 2

KIND OF WORK: Unspecified
DESCRIPTION [REDACTED]
ORIGINAL URLS: No copyrighted URLs were submitted.
ALLEGEDLY 01. www.ytbsaver.com - 2 URLs
INFRINGING
URLS:

[Click here](#) to request access and see full URLs.

Copyright claim 3

KIND OF WORK: Unspecified
DESCRIPTION [REDACTED]
ORIGINAL URLS: No copyrighted URLs were submitted.
ALLEGEDLY 01. m.freemake.com - 2 URLs
INFRINGING 02. www.freemake.com - 2 URLs
URLS:

[Click here](#) to request access and see full URLs.

Copyright claim 4

KIND OF WORK: Unspecified
DESCRIPTION [REDACTED]
ORIGINAL URLS: No copyrighted URLs were submitted.
ALLEGEDLY 01. x2download.app - 3 URLs
INFRINGING
URLS:

[Click here](#) to request access and see full URLs.

Copyright claim 5

KIND OF WORK: Unspecified

DESCRIPTION [REDACTED]

ORIGINAL URLS: No copyrighted URLs were submitted.

ALLEGEDLY INFRINGING URLS: 01. es.ytmp3.mobi - 1 URL
02. ytmp3.mobi - 1 URL

[Click here](#) to request access and see full URLs.

Copyright claim 6

KIND OF WORK: Unspecified

DESCRIPTION [REDACTED]

ORIGINAL URLS: No copyrighted URLs were submitted.

ALLEGEDLY INFRINGING URLS: 01. yoump3.day - 1 URL

[Click here](#) to request access and see full URLs.

Copyright claim 7

KIND OF WORK: Unspecified

DESCRIPTION [REDACTED]

ORIGINAL URLS: No copyrighted URLs were submitted.

ALLEGEDLY INFRINGING URLS: 01. flvto.bz - 2 URLs

[Click here](#) to request access and see full URLs.

Copyright claim 8

KIND OF WORK: Unspecified

DESCRIPTION [REDACTED]

ORIGINAL URLS: No copyrighted URLs were submitted.

ALLEGEDLY INFRINGING URLS: 01. ytmp3.nu - 2 URLs

[Click here](#) to request access and see full URLs.

Copyright claim 9

KIND OF WORK: Unspecified

DESCRIPTION [REDACTED]

ORIGINAL URLS: No copyrighted URLs were submitted.

ALLEGEDLY INFRINGING URLS: 01. ssyoutube.com - 3 URLs

[Click here](#) to request access and see full URLs.

Copyright claim 10

KIND OF WORK: Unspecified

DESCRIPTION [REDACTED]

ORIGINAL URLS: No copyrighted URLs were submitted.

ALLEGEDLY INFRINGING URLS: 01. en2.onlinevideoconverter.pro - 1 URL
02. pt.onlinevideoconverter.pro - 1 URL

[Click here](#) to request access and see full URLs.

JURISDICTIONS FR

TOPICS

[Anticircumvention \(DMCA\), Copyright](#)

TAGS

© 2017
Lumen

[Spring '22 Research Sprint](#)

[Blog Archive](#)

[Legal](#)

[Licenses](#)

[Privacy](#)

[Researchers](#)

[Sign In](#)

Exhibit 5



Search

Topics

Research and Media Mentions

About

Search all notices...

Go

Advanced Search: add additional search queries



All words required

Add more

Advanced Search

DMCA (Copyright) Complaint to Google

SENDER

Seed Music

[Private]

CN

Sent on July 17, 2023

COUNTRY: CN CN



RECIPIENT

Google LLC ⓘ

[Private]

Mountain View, CA, 94043, US

SUBMITTER

Google LLC ⓘ

Re: Unknown

NOTICE TYPE: DMCA

Copyright claim 1

KIND OF WORK: Unspecified

DESCRIPTION https://www.youtube.com/watch?v=pc0mxOXbWlU circumvention content: Tool to bypass YouTube security measures allowing users to illegally download our copyrighted content. circumvention mechanism: circumvention software

ORIGINAL URLS: No copyrighted URLs were submitted.

- ALLEGEDLY INFRINGING URLS:**
- 01. en.yt2mp3.link - 1 URL
 - 02. ytmp3.page - 1 URL
 - 03. tomp3.cc - 1 URL
 - 04. ytmp3.cc - 1 URL
 - 05. en.onlymp3.to - 1 URL
 - 06. ytmp3.nu - 1 URL

[Click here](#) to request access and see full URLs.

JURISDICTIONS CN

TOPICS

[Anticircumvention \(DMCA\)](#), [Copyright](#)

TAGS

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[Licenses](#)

[Privacy](#)

[Researchers](#)

[Sign In](#)

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

CreativeCode Ltd.

(b) County of Residence of First Listed Plaintiff Foreign (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Matthew Shayefar, Law Office of Matthew Shayefar, PC, 750 N San Vincente Blvd., 800 West, West Hollywood, CA 90069, 323-948-8101, Matt@shayefar.com

DEFENDANTS

Does 1-20

County of Residence of First Listed Defendant Unknown (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, HABEAS CORPUS, OTHER, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation-Transfer
8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 17 U.S.C. 512(f)

Brief description of cause:

Defendants sent fraudulent DMCA notices to Google that, inter alia, falsely alleged Plaintiff violated copyright, causing damages

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ 500,000.00

CHECK YES only if demanded in complaint: JURY DEMAND: X Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND X SAN JOSE EUREKA-MCKINLEYVILLE

DATE 07/31/2023

SIGNATURE OF ATTORNEY OF RECORD

/s/ Matthew Shayefar

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.