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JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UMG RECORDINGS, INC.; CAPITOL
RECORDS, LLC; WARNER BROS.
RECORDS INC.; WARNER MUSIC
LATINA INC.; SONY MUSIC
ENTERTAINMENT; SONY MUSIC
ENTERTAINMENT US LATIN LLC;
ARISTA RECORDS LLC; ATLANTIC
RECORDING CORPORATION;
ELEKTRA ENTERTAINMENT
GROUP INC.; FUELED BY RAMEN,
LLC; KEMOSABE RECORDS LLC;
LAFACE RECORDS LLC;
NONESUCH RECORDS INC.; WEA
INTERNATIONAL INC.; ZOMBA
RECORDING LLC,

Plaintiffs,

v.

PMD TECHNOLOGIE UG d/b/a
YouTube-mp3; PHILIP MATESANZ;
and DOES 1-10,

Defendants.

Case No. 2:16-cv-07210-AB-E

**[PROPOSED] FINAL JUDGMENT
AND PERMANENT INJUNCTION**

1 On the stipulation of Plaintiffs UMG Recordings, Inc.; Capitol Records, LLC;
2 Warner Bros. Records Inc.; Warner Music Latina Inc.; Sony Music Entertainment;
3 Sony Music Entertainment US Latin LLC; Arista Records LLC; Atlantic Recording
4 Corporation; Elektra Entertainment Group Inc.; Fueled by Ramen, LLC; Kemosabe
5 Records LLC; LaFace Records LLC; Nonesuch Records Inc.; WEA International Inc.;
6 and Zomba Recording LLC (collectively, “Plaintiffs”), and defendants PMD
7 Technologie UG and Philip Matesanz (collectively, “Defendants”), and good cause
8 showing, it is hereby ORDERED AND ADJUDGED AS FOLLOWS:

9 1. Judgment is entered in favor of Plaintiffs and against Defendants on all
10 counts of the Complaint.

11 2. Pursuant to Federal Rule of Civil Procedure 65(d), 28 U.S.C. § 1651, and
12 this Court’s inherent equitable powers, Defendants and their corporate parents and
13 subsidiaries, and their respective officers, agents, servants, and employees, and all
14 persons in active concert or participation with them who have actual knowledge of
15 this Final Judgment and Permanent Injunction by service, notice or otherwise
16 (including but not limited to any person or entity that hosts any servers through which
17 the service, or any aspect thereof, that Defendants offer or have ever offered at the
18 website located at www.youtube-mp3.org (the “YTMP3 Website”)), are hereby
19 permanently RESTRAINED and ENJOINED from the each following, anywhere in
20 the world:

21 a. operating the YTMP3 Website, any service that Defendants offer
22 or have ever offered at YTMP3 Website (the “YTMP3 Service”), or any other
23 website or system that Defendants (or any of them) own or control, directly or
24 indirectly, that is substantially similar to the YTMP3 Service;

25 b. directly or indirectly operating, assisting in, facilitating or
26 supporting the YTMP3 Service or any part thereof, including without limitation
27 engaging in any of the following activities, except as otherwise expressly
28 agreed in writing by Plaintiffs: (i) operating or assisting in the operation of any

1 computers, servers, or software that in any manner assist in or support the
2 operation of the YTMP3 Service, (ii) any use of any domain that includes the
3 term “youtube-mp3,” or any substantially or confusingly similar terms, or (iii)
4 in any way profiting or benefitting from the YTMP3 Service;

5 c. directly or indirectly, in any manner whatsoever, using, exploiting,
6 selling, licensing, leasing, assigning, loaning, bartering, transferring, conveying,
7 hypothecating, encumbering, pledging, or distributing, for consideration or
8 otherwise, any hardware, software, source code, technology, intellectual
9 property, or goodwill related to or associated with the YTMP3 Service,
10 including but not limited to the name “youtube-mp3”;

11 d. knowingly designing, developing, offering, or operating any
12 technology or service that allows or facilitates the practice commonly known as
13 “streamripping,” or knowingly causing, enabling, facilitating, encouraging,
14 promoting, inducing, or participating in the design, development, offering, or
15 operating of any such technology or service by any person or entity in any
16 manner that would be contrary to the federal and/or any state law of the United
17 States of America if conducted in the United States of America, regardless of
18 where such activity is conducted;

19 e. otherwise knowingly infringing, knowingly causing to be
20 infringed, or knowingly enabling, facilitating, encouraging, promoting,
21 inducing, or participating in the infringement of, any copyright owned or
22 controlled by any of the Plaintiffs; and

23 f. with respect to Plaintiffs and/or any of their direct or indirect
24 record company affiliates, domestic and foreign, and the respective
25 predecessors, successors, assigns, and representatives of the foregoing
26 (collectively, the “Plaintiff Affiliated Entities”), knowingly circumventing,
27 knowingly causing to circumvent, or knowingly enabling, encouraging,
28 promoting, inducing, or participating in the circumvention of, any technological

1 measure that effectively controls access to and prevents copying of Plaintiff
2 Affiliated Entities' works protected by the U.S. Copyright Act and/or the
3 copyright law of any other jurisdiction, whether now in existence or hereafter
4 created, and/or that effectively protects the rights of the Plaintiff Affiliated
5 Entities under the U.S. Copyright Act and/or the copyright law of any other
6 jurisdiction.

7 3. Pursuant to Federal Rule of Civil Procedure 65(d), 28 U.S.C. § 1651, and
8 this Court's inherent equitable powers, and in order to give practical effect to the
9 foregoing injunction, all persons in active concert or participation with Defendants or
10 their officers, agents, servants, or employees, who have actual knowledge of this
11 Order by service, notice or otherwise (including without limitation any domain name
12 registrars and registries, such as Mesh Digital Limited), are hereby permanently
13 RESTRAINED and ENJOINED from allowing the continued use by anyone other
14 than Plaintiffs, or the transfer to any person other than Plaintiffs, of the domain name
15 www.youtube-mp3.org. Defendants are ordered to transfer the domain name
16 www.youtube-mp3.org to the Plaintiff identified in, and in accordance with the terms
17 of, the confidential Settlement Agreement among the parties ("Settlement
18 Agreement"). To the extent that Defendants or those in active concert or participation
19 with them fail to comply with this Order, then in addition to any other recourse or
20 remedy that Plaintiffs may have for breach of the Settlement Agreement and violation
21 of this Order, any and all registrars and registries for the domain youtube-mp3.org
22 shall promptly, within not more than twenty-four (24) hours, disable the youtube-
23 mp3.org domain, through a registry hold or otherwise, and prevent its transfer to
24 anyone other than Plaintiffs, and further shall, within thirty (30) days of receipt of
25 notice of this Order, change the Registrar of Record for the youtube-mp3.org domain
26 to a Registrar of Plaintiffs' choosing.

27 4. Defendants shall make the settlement payment required by the Settlement
28 Agreement in accordance with the terms of the Settlement Agreement, and the parties

1 shall otherwise bear their own fees and costs.

2 5. This Final Judgment and Permanent Injunction is a final judgment for
3 purposes of disposition of this action.

4 6. The Court shall maintain continuing jurisdiction over this action and the
5 parties for the purpose of enforcing this Final Judgment and Permanent Injunction
6 and for the purpose of enforcing the parties' Settlement Agreement.

7 7. Defendants shall give notice of this Final Judgment and Permanent
8 Injunction to each of their officers, directors, agents, servants, employees, assigns,
9 subsidiaries, partners, owners, alter egos, affiliates, all entities through which they
10 conduct business, representatives, successors, heirs, trustees, conservators, licensees,
11 and all those acting in active concert or participation with or aiding and abetting the
12 Defendants.

13 8. Plaintiffs are not required to post any bond or security in connection with
14 the Permanent Injunction, and Defendants permanently, irrevocably, and fully waive
15 any right to request a bond or any other security.

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18 IT IS SO ORDERED.

19 Date: September 5, 2017



Honorable André Birotte Jr.
United States District Judge