

## EXHIBIT C

The Fuisz Law Firm  
Intellectual Property Law

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August 20, 2010

VIA FAX (650.872.8513) and VIA EMAIL ([copyright@youtube.com](mailto:copyright@youtube.com))

YouTube, LLC  
c/o Shadie Farazian, Designated Copyright Agent  
901 Cherry Ave.,  
San Bruno, CA 94066

RE: 17 U.S.C. § 512(g) NOTICE  
DMCA Notices by OSAMA ELWETAFI as a representative of  
LJBC received from YouTube on April 30, May 24, and July 14, 2010

Dear YouTube LLC;

We are writing on behalf of LJBC. Pursuant to 17 U.S.C. § 512(g), LJBC is providing Notice (through you Designated Copyright Agent, Shadie Farazian) of the filing of an action seeking a court order to restrain the infringing activity of Mr. Abdalla Saleh (YouTube User Account Name: Abdoellibie).

On August 20, 2010, LJBC filed suit against Mr. Saleh in the District Court for the Northern District of California (Civil Action No. CV10-03713 JCS). A copy of the Complaint is attached.

This Notice is being provided within 10 days of receipt of the counter-notification. As such, LJBC requests that YouTube refrain from reinstating materials posted by Mr. Saleh.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



John R. Fuisz

CC: Abdalla Saleh – VIA MAIL AND EMAIL ([abdoellibie@yahoo.com](mailto:abdoellibie@yahoo.com))

Enclosure: Complaint

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RICHARD W. WEEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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E-filing

9 Attorneys for Plaintiff  
10 Libyan Jamahiriya Broadcasting Corporation

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 Libyan Jamahiriya Broadcasting  
15 Corporation,

16 Plaintiff,

17 vs.

18 Abdalla Saleh,

19 Defendant.

CV 10-03713

JCS

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

COMPLAINT FOR COPYRIGHT  
INFRINGEMENT

22 COMPLAINT

23 Plaintiff Libyan Jamahiriya Broadcasting Corporation, which for the purposes of this  
24 Complaint includes all predecessors in interest, subsidiaries and affiliates, (collectively "LJBC"),  
25 for its Complaint against Defendant Abdalla Saleh, alleges:  
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**THE PARTIES**

1. Plaintiff LJBC is a corporation organized and existing under the laws of the Libyan Arab Jamahiriya and maintains its principal place of business at Al Nasr Street, Tripoli, Libya. LJBC operates television stations throughout Libya and creates and broadcasts audiovisual works including news programs and dramatic programs.

2. On information and belief, Defendant Abdalla Saleh is an individual and resides at 20 Shallmar Blvd., Toronto, ON, Canada.

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) with respect to claims arising under the Copyright Act, 17 U.S.C. § 101 *et seq.*

4. Upon information and belief, there is also diversity of citizenship between LJBC and Saleh and the amount in controversy exceeds \$75,000, exclusive of interest and costs. Therefore, this Court also has subject matter jurisdiction over this action under 28 U.S.C. § 1332(a).

5. This Court has personal jurisdiction over Saleh, who has consented to the jurisdiction of the Federal District Court for the Northern District of California. Saleh expressly consented to the jurisdiction of this Court in a counter-notification submitted to YouTube LLC under the Digital Millennium Copyright Act (DMCA), 17 U.S.C. § 512(g).

6. Venue is proper in this judicial district pursuant to *inter alia* 28 U.S.C. § 1391(b).

**INTRADISTRICT ASSIGNMENT**

7. This is an Intellectual Property Action and shall therefore be assigned on a district-wide basis in accordance with Local Rule 3-2(c).

NATURE OF THE ACTION

1  
2           8.       Under Section 106 of the Copyright Act of 1976, 17 U.S.C. § 101 *et seq.*, LJBC  
3 has the distinct, severable, and exclusive rights to, among other things, reproduce, publicly  
4 perform, and publicly display their copyrighted works. 17 U.S.C. §§ 106(1), (4), (5).

5           9.       LJBC produces, markets and distributes programming that is owned and  
6 copyrighted in accordance with Libyan law. Libya is a member of the Berne Convention for the  
7 Protection of Literary and Artistic Work. On information and belief, LJBC has complied with the  
8 requirements for protection of the copyrighted material, including under the Berne Convention,  
9 and such protection is still applicable to the subject copyrighted works. As such LJBC is afforded  
10 the same rights that the United States affords its nationals as well as the rights afforded under the  
11 Berne Convention.

12           10.       Saleh has uploaded videos to YouTube LLC's website, www.youtube.com,  
13 ("YouTube") as well as to other video sharing web sites such as Blip.tv. YouTube enables users  
14 to view videos uploaded by other users.

15           11.       The videos uploaded by Saleh were contained at the following links:  
16 [http://www.youtube.com/watch?v=M6D3DwwAn\\_U](http://www.youtube.com/watch?v=M6D3DwwAn_U); [http://www.youtube.com/watch?v=5doe-sRKK4g](http://www.youtube.com/watch?v=5doe-sRKK4g;);  
17 <http://www.youtube.com/watch?v=JU1t9HdSw58>; <http://www.youtube.com/watch?v=4cdc-8SSOs>;  
18 <http://www.youtube.com/watch?v=JyvJSmwhSf4>; <http://www.youtube.com/watch?v=Wsdr7brLXyI>; and  
19 <http://blip.tv/file/1363665?filename=Abdoellibie-GaddafiCrimesAgainstHumanity540.flv>. On  
20 information and belief, the video includes numerous copyrighted works owned by LJBC,  
21 including, but not limited to the photographs at 0:01:00, 0:01:04, 0:01:15, 0:01:32, 0:11:19,  
22 0:11:24, 0:11:29, 0:11:52-57, 0:16:07, 0:16:22, 0:17:07, 0:19:19, 0:34:18, 1:02:22, 1:06:12 and  
23 1:06:24.<sup>1</sup>

24           12.       On information and belief, Saleh's activities have included the un-authorized use  
25 and un-authorized alteration, including removal of names and authors of the copyrighted material.

26 \_\_\_\_\_  
27 <sup>1</sup> <http://blip.tv/file/1363665?filename=Abdoellibie-GaddafiCrimesAgainstHumanity540.flv>  
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1 13. LJBC did not authorize Saleh to cause the copyrighted videos to be viewed by  
2 users of the YouTube website. Upon information and belief, the videos uploaded to YouTube's  
3 website, and others, by Saleh, contain clips of audiovisual works for which LJBC owns the  
4 copyright.

5 **FIRST COUNT**

6 **(Direct Copyright Infringement – Public Performance)**

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8 14. LJBC incorporates paragraphs 1-13 above by reference as though fully set forth  
9 herein.

10 15. Saleh, without the permission or consent of LJBC, and without authority, is  
11 publicly performing and purporting to authorize the public performance of LJBC's registered  
12 copyrighted audiovisual works, which constitutes direct infringement of LJBC's exclusive rights  
13 under the Copyright Act to publicly perform its copyrighted audiovisual works.

14 16. Saleh's acts of infringement have been willful, intentional, and purposeful, in  
15 disregard of and indifferent to the rights of LJBC.

16 17. As a direct and proximate result of Saleh's infringement of LJBC's copyrights and  
17 exclusive rights under copyright, LJBC is entitled to the maximum statutory damages pursuant to  
18 17 U.S.C. § 504(c). Alternatively, at LJBC's election, pursuant to 17 U.S.C. § 504(b), LJBC is  
19 entitled to its actual damages plus Saleh's profits from infringement, as will be proven at trial.

20 18. LJBC is entitled to its costs, including reasonable attorneys' fees pursuant to 17  
21 U.S.C. § 505.

22 19. Saleh's conduct is causing and, unless enjoined by this Court, will continue to  
23 cause LJBC great and irreparable injury that cannot fully be compensated or measured in money.  
24 LJBC has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, LJBC is entitled to a  
25 permanent injunction requiring Saleh to cease his infringement of LJBC's copyrights.

26 **SECOND COUNT**

27 **(Direct Copyright Infringement – Public Display)**

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1 20. LJBC incorporates paragraphs 1-19 above by reference as though fully set forth  
2 herein.

3 21. Saleh, without the permission or consent of LJBC, and without authority, is  
4 publicly displaying and purporting to authorize the public display of LJBC's registered  
5 copyrighted audiovisual works, which constitutes direct infringement of LJBC's exclusive rights  
6 under the Copyright Act to publicly display its copyrighted audiovisual works.

7 22. Saleh's acts of infringement have been willful, intentional, and purposeful, in  
8 disregard of and indifferent to the rights of LJBC.

9 23. As a direct and proximate result of Saleh's infringement of LJBC's copyrights and  
10 exclusive rights under copyright, LJBC is entitled to the maximum statutory damages pursuant to  
11 17 U.S.C. § 504(c). Alternatively, at LJBC's election, pursuant to 17 U.S.C. § 504(b), LJBC is  
12 entitled to its actual damages plus Saleh's profits from infringement, as will be proven at trial.

13 24. LJBC is entitled to its costs, including reasonable attorneys' fees pursuant to 17  
14 U.S.C. § 505.

15 25. Saleh's conduct is causing and, unless enjoined by this Court, will continue to  
16 cause LJBC great and irreparable injury that cannot fully be compensated or measured in money.  
17 LJBC has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, LJBC is entitled to a  
18 permanent injunction requiring Saleh to cease his infringement of LJBC's copyrights.

19 **THIRD COUNT**

20 **(Direct Copyright Infringement - Reproduction)**

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22 26. LJBC incorporates paragraphs 1-25 above by reference as though fully set forth  
23 herein.

24 27. Saleh, without the permission or consent of LJBC, and without authority, is  
25 making, causing to be made, and purporting to authorize the making of unauthorized copies of  
26 LJBC's registered copyrighted audiovisual works, which constitutes direct infringement of  
27 LJBC's exclusive right under the Copyright Act to reproduce its copyrighted works.

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1 28. Saleh's acts of infringement have been willful, intentional, and purposeful, in  
2 disregard of and indifferent to the rights of LJBC.

3 29. As a direct and proximate result of Saleh's infringement of LJBC's copyrights and  
4 exclusive rights under copyright, LJBC is entitled to the maximum statutory damages pursuant to  
5 17 U.S.C. § 504(c). Alternatively, at LJBC's election, pursuant to 17 U.S.C. § 504(b), LJBC is  
6 entitled to its actual damages plus Saleh's profits from infringement, as will be proven at trial.

7 30. LJBC is entitled to its costs, including reasonable attorneys' fees pursuant to 17  
8 U.S.C. § 505.

9 31. Saleh's conduct is causing and, unless enjoined by this Court, will continue to  
10 cause LJBC great and irreparable injury that cannot fully be compensated or measured in money.  
11 LJBC has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, LJBC is entitled to a  
12 permanent injunction requiring Saleh to cease his infringement of LJBC's copyrights.

13 **FOURTH COUNT**

14 **(Direct Copyright Infringement – Distribution)**

15 32. LJBC incorporates paragraphs 1-31 above by reference as though fully set forth  
16 herein.

17 33. Saleh, without the permission or consent of LJBC, and without authority, is  
18 distributing LJBC's registered copyrighted audiovisual works by making available to YouTube  
19 users copies of audiovisual works posted and maintained on YouTube's website, which  
20 constitutes direct infringement of LJBC's exclusive right under the Copyright Act to distribute its  
21 copyrighted works to the public.

22 34. Saleh's acts of infringement have been willful, intentional, and purposeful, in  
23 disregard of and indifferent to the rights of LJBC.

24 35. As a direct and proximate result of Saleh's infringement of LJBC's copyrights and  
25 exclusive rights under copyright, LJBC is entitled to the maximum statutory damages pursuant to  
26 17 U.S.C. § 504(c). Alternatively, at LJBC's election, pursuant to 17 U.S.C. § 504(b), LJBC is  
27 entitled to its actual damages plus Saleh's profits from infringement, as will be proven at trial.

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1 36. LJBC is entitled to its costs, including reasonable attorneys' fees pursuant to 17  
2 U.S.C. § 505.

3 37. Saleh's conduct is causing and, unless enjoined by this Court, will continue to  
4 cause LJBC great and irreparable injury that cannot fully be compensated or measured in money.  
5 LJBC has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, LJBC is entitled to a  
6 permanent injunction requiring Saleh to cease his infringement of LJBC's copyrights.

7  
8 **PRAAYER FOR RELIEF**

9 WHEREFORE, LJBC prays for the following relief:

- 10 A. A declaration that Saleh willfully infringed LJBC's copyrights.  
11 B. A permanent injunction restraining Saleh from continuing to infringe any of  
12 LJBC's copyrights or exclusive rights protected by the Copyright Act, whether now in existence  
13 or hereafter created.  
14 C. Statutory damages pursuant to 17 U.S.C. § 504(c). Alternatively, at LJBC's  
15 election, pursuant to 17 U.S.C. §504(b), for actual damages plus Saleh's profits from  
16 infringement, as will be proven at trial.  
17 D. For LJBC's costs, including reasonable attorneys' fees, pursuant to 17 U.S.C. §  
18 505.  
19 E. For pre- and post-judgment interest according to law.  
20 F. For such other and further relief as this Court deems just.

21 DATED: August 20, 2010

Respectfully submitted,

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24 JENNIFER L. ISHIMOTO (SBN 211845)  
25 BANIE & ISHIMOTO LLP

26 JOHN R. FUISZ (*pro hac vice* pending)  
27 THE FUISZ LAW FIRM

28 Attorneys for Plaintiff  
Libyan Jamahiriya Broadcasting Corporation