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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

IN RE: )  
DMCA SECTION 512(H) )  
SUBPOENA TO BORJAN SOLUTIONS, S.L )  
\_\_\_\_\_ )

Case No. 2:16-cv-03006-JAD-GWF  
**ORDER**

This matter is before the Court on Movant AMA Multimedia, LLC’s Request for Issuance of Subpoena (ECF No. 1), filed on December 23, 2016.

**BACKGROUND**

Movant requests an order issuing a subpoena to Borjan Solutions, S.L., an internet service provider, to identify alleged infringers pursuant to the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512(h). The alleged infringers posted videos on systems operated by Borjan Solutions in violation of copyrights held by Movant. Movant represents that its predecessor in interest, SSC Group, LLC, entered into a settlement agreement with Borjan Solutions in which Borjan Solutions agreed to install a removal form on its website. On September 12, 15, and 16, 2016, Movant submitted links through the removal form located on Borjan Solutions’s website.

**DISCUSSION**

The DMCA provides a statutory scheme for copyright holders to notify internet service providers of the existence of allegedly copyrighted material on their servers. 17 U.S.C. § 512(c)(3). A “safe harbor” is provided to service providers who remove or disable access to allegedly infringing material following receipt of a DMCA notice. 17 U.S.C. § 512(c)(1). §512(h) of the DMCA provides that “a copyright owner or person authorized to act on the owner’s behalf may

1 request the clerk of any United States district court to issue a subpoena to a service provider for  
2 identification of an alleged infringer.” The request may be made by filing “(A) a copy of a  
3 notification described in subsection (c) (3)(A); (B) a proposed subpoena; and (c) a sworn declaration  
4 to the effect that the purpose for which the subpoena is sought to obtain the identity of an alleged  
5 infringer and that such information will only be used for protecting the rights under this title.”

6 Movant filed with the court, as required by § 512(h)(2), notifications that it provided to  
7 Borjan Solutions through the removal form installed on its website. *See* ECF No. 1, pgs 30-38.  
8 Movant also attached a declaration of Adam Silverman, a managing member of AMA Multimedia  
9 (“AMA”), stating that the purpose of the subpoena is to identify alleged infringers and such  
10 information will only be used for the purposes of protecting AMA’s rights under 17 U.S.C. § 100.  
11 Movant, however, failed to attach a proposed subpoena as required by §512(h)(2). The Court,  
12 therefore, denies Movant’s motion without prejudice. Accordingly,

13 **IT IS HEREBY ORDERED** that Movant AMA Multimedia, LLC’s Request for Issuance  
14 of Subpoena (ECF No. 1) is **denied** without prejudice.

15 DATED this 27th day of September, 2017.

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18 GEORGE FOLEY, JR.  
19 United States Magistrate Judge  
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