

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK: civil complaint

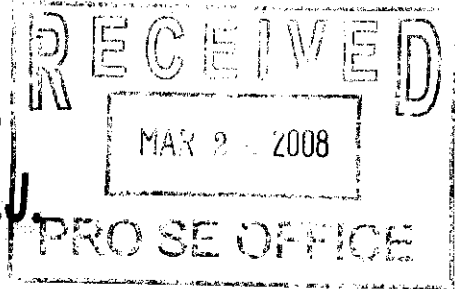
Plaintiff,: Asante Kahari Jury trial demanded

-Against- :

Defendant(s) : Amazon.com, EBay Inc.

IRIZARRY, J.

BLOOM, M.J.



- 1: Plaintiffs address is; 690 Gates Ave # 5F, Brooklyn, NY 11221.
- 2: defendants address: Amazon.com, 1200 12th ave, South, Ste 1200, Seattle, WA 98144-2734. Ebay Inc., 2145 Hamilton Ave, San Jose, CA 95125
- 3: I believe this court to have Jurisdiction because several federal laws were violated and plaintiff lives within the jurisdiction of the eastern District of New York.
- 4: plaintiff seeks relief in the sum of \$ 500 million dollars from both Defendants.
- 5: I am an author of several urban fiction books that are being sold on Ebay and Amazon.com via wholesale, retail and customer to customer exchange.
- 6: I believe my copyright has been infringed upon in that I do not receive any royalties or any form of payment when customers are allowed to resell the products that they have purchased for personal consumption on the open Market, via ebay and amazon.com for profit without paying the author.
- 7: Musicians and other artist have laws that protect their works from being sold and resold without receiving some sort of royalty i.e. itunes and other file sharing networks or tools. Even radio stations must pay them when there record is played on the radio. Author's works are not protected in the same way. There is no incentive to ever purchase a book from the author or its publisher if you can buy it after someone has read it for a cheaper price; oftentimes at a seventy to eighty percent discount. This is being encouraged and facilitated by Amazon.com and Ebay inc. Customers should not be allowed to swap books the same way they are not allowed to swap music.

No Electronic Theft (NET) Act, which effectively criminalized unauthorized use of copyrighted work regardless of intent. With a profit motive no longer seen as a defining characteristic of "piracy," the intent to freely share material could no longer exempt one from criminal liability. The Digital Millennium Copyright Act (The agreements on "IP" provided exceptions for poorer countries and their development agendas, those countries that failed or refused to uphold US "IP" law, or made full use of compulsory licensing [13] or other exceptions, were increasingly called "intellectual property pirates".

The “copyright industries” (music, film, and software especially) use an extremely wide definition of “piracy” that includes all unauthorized duplication, distribution, and use of copyrighted material, regardless of whether such duplication is done: 1) by professional firms, carrying out large scale duplication and reselling material for profit; 2) by service providers who host file sharing tools ; 3) by individuals who use file sharing networks to freely share material; or even 4) by consumers who unknowingly engage in “piracy” when they fail to fully understand the licensing terms of products they initially purchased, for example when they make a few extra copies for personal or family use [18]. All of these uses of the term “piracy,” other than the first, are serious extensions that should not be taken lightly. In part because of industry’s expansion of the term, lawmakers in the past decade have begun to conflate free content sharing with resale of copyrighted material, to the point that file sharing has almost become synonymous with “piracy” [19].

The section above hurts authors in the same way.

Peer-to-Peer (P2P) Networks. P2P technology replaces the centralized model where

[20] There is some, mostly industry-sponsored, evidence that file sharing hurts music sales. For a list of links to (mostly industry-sponsored) studies that make this claim, see the European Audiovisual Observatory, 2005 “Report and Studies of the Economic and

By allowing customers to resell books they have purchased at full price for significantly less without paying the author amounts to file sharing and intellectual property theft.

Copyright is a legal concept enacted by most national governments that gives the creator of an original work exclusive rights to it, usually for a limited period of time. At its most general, it is literally "the right to copy", but also gives the copyright holder the right to be credited for the work, to determine who (if anyone) can perform it or adapt it to other forms, to benefit financially from the work, and other related rights.

By this definition your honor, as an author, I do not have the right to determine how my product is released or re-released . Or who even sells it. Amazon.com and Ebay takes that right away from me and gives it to the customer. The customer than in effect becomes the publisher and author of the work, distributing and re-selling as he or she wills. This amounts to loss of profits and an exploitative situation. The only one that profits is the companies that charge the customer a fee for allowing them to sell their goods that they have purchased for private consumption. Without the economic benefits guaranteed by a strong “intellectual property” policy and rigorous enforcement, creativity will falter for lack of incentives; third, weak “intellectual property” regulations, particularly in developing countries, will undermine “development,” stunt the livelihood of local artists and the growth of local industry, and threaten local knowledge.

3. A work shall be considered published when it has been made available for the first time, by the author or with his consent, to a large number of persons not constituting a private circle within the meaning of Article 19.1.a.

Use of work

Article 10.-

1. The author shall have the exclusive right to decide whether, when and how his work is to be used.
2. The author shall have the right, in particular:
 - A. to manufacture copies of the work, such as printed matter, phonograms, videograms or data carriers;
 - B. to offer for sale, sell or otherwise distribute copies of the work;
 - C. to deliver or perform the work either directly or through any kind of medium or to make it perceivable in a place other than where it is presented;
 - D. to broadcast the work by radio, television or similar means, including either electromagnetic waves or cable or other means of conduction;

Rental of copies

Article 13.-

1. Any person who rents or otherwise makes available for remuneration copies of literary or artistic works shall be required to pay remuneration to the author.
2. No obligation to pay remuneration shall subsist in the case of:
 - A. works of architecture;
 - B. copies of works of applied art;
 - C. copies of works rented or lent for a contractually agreed use of copyright.
3. Claims to remuneration may only be asserted by the approved collecting societies (Articles 40 et seq.).
4. This Article shall not apply to computer programs. The exclusive right under Article 10.3 shall remain unaffected.

TITLE V: LEGAL PROTECTION

CHAPTER 1: CIVIL LAW PROTECTION

Action for declaratory judgment

Article 61. Any person who proves a legal interest therein may apply to the court for a declaratory judgment on whether or not a right or a legal relationship subsists under this Law.

Intellectual Property.

Your honor, I am not a lawyer, and I ask that you take that into consideration. I know my own inadequacies. That said, I ask that you, as an esteemed Judge and servant of the law look at this complaint with an understanding and sympathetic heart in regard to my legal

ignorance. I have tried to research this matter and articulate it in legal terms the best I could. Thank you.

Asante kahari

Asante, Kahari
3/24/08

690 Gates Ave # 5F
Brooklyn, NY 11221
February 9, 2008
Asante Kahari

This letter is an attempt to resolve my issues with this company in a way that would preserve the integrity of this company, financial and otherwise. Enclosed you will find a copy of the federal complaint I intend to file in a week after writing this letter if I do not hear from you via email, phone or other medium. As you can see from the complaint, this has the potential to be a monumental case. In fact, it will challenge your companies right to allow sell, or be the venue by which others sell copyrighted material once it has been sold to an individual for personal consumption. Should I win, this would mean others will be able to pursue similar legal claims against you. Investors will not want to hear news like that. In fact, I would venture to see that if I held a press release to inform the public of my intention to sue your company for the reasons outlined, investors will not only run for cover but a lot of personal fortune will be lost in the form of a declining stock value. A class action lawsuit would be even worse. You certainly don't need this type of bad publicity. My contacting you is simply to retrieve what I have lost in terms of lost revenues for the reasons explained in my complaint. I can assure you, should I be compensated fairly I will be as quiet as a church mouse. It would truly be a terrible thing if you could have prevented a public lawsuit had you just negotiated with me. Your pleas to a judge will certainly fall on deaf ears as well. Should I be forced to file I will not settle. I am giving you every opportunity now. I have nothing to lose and everything to gain. In fact, I will venture to say that a press release will increase book sales for me exponentially. What type of compensation am I looking for. I think a number in the high seven figures will be fair enough for me to suddenly catch amnesia. This document will be thrown in the sea of forgetfulness. Please feel free to contact me via email, asantekahari@verizon.net, home, 718-443-0011, cell, 347-496-5508. I look ever so forward to hear from you. We could also settle by your company partnering with me to form a website that deals exclusively in peer to peer used book shopping where authors are paid a flat rate royalty of fifty cents per book re-sold. I will also incorporate this letter into my complaint to one, protect my idea, and two, demonstrate to the judge that I did everything in my power to settle before bringing it to court.

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Murder Inc. by Asante Kahari (**Paperback** - Sep 9, 2003)

2 Used & new from \$4.99

★★★★☆ (4)

2.



The Birth of a Criminal by Asante Kahari (**Paperback** - Jun 26, 2002)

1 Used & new from \$249.99

★★★★☆ (5)

3.



Homo Thug by Asante Kahari (**Paperback** - Jun 2004)

6 Used & new from \$15.67

★★★★☆ (34)

4.



Smoking Cigarettes by Reginald L. Hall (**Paperback** - April 2, 2005)

2 Used & new from \$24.95

★★★★☆ (4)

Excerpt - Front Matter: "... E. Qulonnes Miller, Hickson, Tracy Brown, Daamiah Poole, Marlene Taylor, Asante Kahari, Treasure E. ..."

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