

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ARISTA RECORDS LLC; ATLANTIC
RECORDING CORPORATION; BMG MUSIC;
CAPITOL RECORDS, INC.; ELEKTRA
ENTERTAINMENT GROUP INC.; INTERSCOPE
RECORDS; LAFACE RECORDS LLC; MOTOWN
RECORD COMPANY, L.P.; PRIORITY
RECORDS LLC; SONY BMG MUSIC
ENTERTAINMENT; UMG RECORDINGS, INC.;
VIRGIN RECORDS AMERICA, INC.; and
WARNER BROS. RECORDS INC.,

Plaintiffs,

v.

LIME WIRE LLC; LIME GROUP LLC; MARK
GORTON; GREG BILDSON; and M.J.G. LIME
WIRE FAMILY LIMITED PARTNERSHIP,

Defendants.

Case No. 06 CV 5936 (KMW)

ECF Case

**DECLARATION OF
JOICHI ITO**

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I, JOICHI ITO, declare as follows:

1. I am the Chief Executive Officer of Creative Commons Corporation (“CC” or “Creative Commons”). I am over the age of eighteen and, except as otherwise noted, I have personal knowledge as to the facts set forth in this declaration. If called to testify, I could and would testify competently thereto.

2. Creative Commons is a nonprofit corporation based in San Francisco, California. CC is dedicated to making it easier for people to share their own works and to build upon the work of others, consistent with the rules of copyright. Creative Commons provides free, public copyright licenses and other legal tools that creators may use to mark a creative work with the copyright freedoms they want it to carry, so others can share, remix, and/or use it commercially, all depending on the creator’s wishes. CC licenses grant these permissions to users up front and in advance, eliminating the need to ask permission first.

3. Creative Commons has six main licenses that content owners can select from to license the copyrights they hold over works of authorship. These licenses provide content creators with numerous options regarding the terms on which they distribute their content and allow others to redistribute it. All CC licenses require that the author be properly attributed. The other main choices are – does the creator give permission to others to make derivative works or not, and if so, are those others required to share their derivative works under the same license terms, and whether the creator wants to allow others to use their work for commercial purposes or not. The least-restrictive CC license is the “Attribution” license, which allows others to distribute, remix, tweak, and build upon a work, even commercially, as long as they credit the original creator of the work. The most restrictive CC license (i.e., the license that grants the fewest permissions in advance) is the “Attribution NonCommercial NoDerivatives” license, which allows others to download and share the work but precludes the creation of derivative works or commercial uses of the work.

4. Creative Commons’ user base is incredibly varied. Musicians all around the world have offered hundreds of thousands of their songs to the public under CC licenses. Some of these artists work with major record labels, others work with independent labels, and still others work with no label at all. Universities such as the Massachusetts Institute of Technology use CC licenses to maximize the distribution and interoperability of their courseware. The Obama administration, the United Nations, and governments across the globe have used Creative Commons licenses to publicly distribute content.

5. A number of musicians use Creative Commons licenses in order to distribute their works online and through music-sharing websites in a way that lets listeners share the downloaded music with others, without needing to ask permission first. A non-exhaustive list of websites offering downloads of music licensed under Creative Commons licenses includes ccMixter.org, Jamendo.com, IndabaMusic.com, Magnatune.com, Simuze.nl, BeatPick.com,

CASHMusic.org, SectionZ.com, Opsound.org, PodsafeAudio.com, AudioFarm.com, and the Internet Archive's Netlabels Collection (<http://www.archive.org/details/netlabels>).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 20th day of June, 2010, at Inzai, Chiba, Japan.

By: 
JOICHI ITO