

**UNITED STATES DISTRICT COURT
OR THE WESTERN DISTRICT OF TENNESSE**

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THOMAS M. COULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

Plaintiff,
PAMELA MOSES
Pro SE

PAMELA MOSES

Plaintiff,

v.

**YOUTUBE INC, YOUTUBE LLC, AND
GOOGLE INC., Shira Krasnow
Inclusive**

Defendants,

CASE NO.

**COMPLAINT FOR DECLATORY AND
INJUNCTIVE RELIEF, AND DAMAGES**

DEMAND FOR JURY TRIAL

COMPLAINT

Comes now the plaintiff, Pamela Moses, by and through herself pro se in the above entitled cause, in which plaintiff respectfully prays that this court enter judgment granting plaintiff aver as follows:

- (a) Will accept jurisdiction of this complaint.
- (b) Will issue service of process upon all the defendants with deliberate speed.
- (c) Allow plaintiff to further amend complaint.
- (d) Plaintiff hereby demand a jury trial on all triable issues.

Introduction

1. Over the past decade, the emergence of broadband networks, Internet protocol and inexpensive wireless networks has modernized the way Americans inform and entertain themselves. Billions have encapsulated the opportunities digital technology provides to obtain creative works and to express themselves creatively. Entrepreneurs have made fortunes providing the networks, the tools and creative works that have fueled this revolution. But these same innovations have also been misused to fuel an epidemic of copyright infringement by exploiting the inexpensive duplication and distribution made possible by digital technology. Some companies, rather than taking the lawful approach of building business that respect *intellectual property rights* of all individuals including the *independent artist* on the Internet, have sought their fortunes by shamelessly manipulating the infringing potential of digital technology.
2. YouTube is one such entity. YouTube has technology to willfully infringe copyrights daily by robbing writers, composers, and performers of the rewards they are owed for effort and innovation, downgrading the incentives of America's creative music industry, and profiting from illegal conduct of others as well. Through use of the internet, YouTube appropriates the value of creative content on a massive scale. YouTube secures an advantage without proper credit, payment or license. YouTube's *deliberate, reckless*, disregard of all intellectual property laws essentially endangers not just the Plaintiff, but the economic foundation of the most vital division of the United States Economy.

3. YouTube's website professes to be a forum for users to share their own original "user generated" video content. In actuality, however a vast amount of that content consist of infringing copies of copyrighted works, including such popular (and obviously copyrighted) music. Unauthorized copies of these works are posted daily on YouTube and each is viewed tens of thousands of times. As Dow Jones reported, its no secret that millions of Internet users everyday watch copyright-infringing video clips on YouTube according to Market Watch by Dow Jones, October 20, 2006. In fact Plaintiff has identified unauthorized clips of several copyrighted sound recording works on YouTube thousands of time. And that is only a small segment of the content on YouTube that infringes Plaintiffs' copyright because as described below, YouTube prevents copyright owners from finding on the YouTube site all of the infringing works from which YouTube profits.

4. Defendants actively engage in, promote and induce this infringement. YouTube itself publically allowed Shira Krasnow aka Lil Miss Muffin to perform the infringing video on the YouTube site and other sites. Thus, YouTube does not simply enable willful infringement to its user Shira Krasnow. It is YouTube that knowingly allows Shira Krasnow to reproduce and publicly performs the copyrighted works uploaded to its site

5. Defendants know that a substantial amount of the content of the YouTube site consists of unlicensed infringing copies of copyrighted works and have done little or nothing to prevent this massive infringement. To the contrary, the availability on the YouTube site of a vast library of the

copyrighted works of Plaintiffs and others is the cornerstone of Defendants foundation. You Tube deliberately built up a library of infringing works to draw traffic to the YouTube site, enabling it to gain a commanding market share, earn significant revenues, and increase its enterprise value.

6. YouTube has deliberately chosen not to take realistic protection measures to deter the widespread infringement on its site. Because YouTube directly profits from the availability of popular infringing works on its site, it has elected to shift the burden entirely onto the copyright owners to monitor the YouTube site on a daily and hourly basis to detect infringing videos and send notices to YouTube demanding that it “take down” the infringing works. In the meantime, YouTube continues to profit from the mere existence of the infringing works on its site. And even after it receives a notice from the copyright owner, in many instances the same infringing video remains on YouTube because it was uploaded by at least one other user, or appears on YouTube again within hours of its removal. YouTube has intentionally chosen this approach because it allows YouTube to profit from infringement while leaving copyright owners insufficient means to prevent it and murder the *independent artist* ability to thrive.

7. Moreover, YouTube has deliberately withheld the application of copyright protection measures in order to coerce rights holders to grant it licenses on favorable terms. YouTube’s chief executive and cofounder Chad Hurley was quoted in the New York Times on February 3rd 2008 as saying that YouTube has agreed to use filtering technology “to identify and

possibly remove copyrighted material,” but only after YouTube obtains a license from the copyright owner. Geraldine Fabrikant & Saul Hansell, *Viacom Tells YouTube: Hands Off*, N. Y. Times Feb 3 2007 at C1. Those who refuse to be coerced are subjected to continuing infringement. *Id*; see also *Saul Hansell, A Bet That Media Companies Will Want to Share Ad Revenue*, N. Y. Times, September 30, 2006 at C1.

8. YouTube has also implemented features that prevent copyright owners from finding infringing videos by searching the YouTube site. YouTube thereby hinders Plaintiffs attempt to stop Shira Krasnow aka Lil Miss Muffin from infringing and protecting Plaintiff's exclusive rights. At the same time, YouTube allow its users to make hidden videos available to others through other YouTube features like the “embed” “share” and “friends” functions. In this way YouTube continues to profit from the infringement, while prohibiting Plaintiffs from preventing it.
9. Defendant Google recently purchase YouTube for \$1.65 billion, generating extraordinary riches for YouTube's founders and investors. In recognition of the irrefutable reality of immense infringement on YouTube site, Google has reportedly issued substantial equity and entered into expensive licenses with certain providers of copyrighted content.
10. Defendants' infringement has harmed and continues to harm the interest of *independent* authors, songwriters, directors, producers, performers, and many other creators. If left uncontrolled, rampant infringement will gravely undermine Plaintiffs and other independent creators that generate original creative works, and will threaten the livelihoods of those who work

in and depend upon these artist for genuine creative content. Plaintiffs therefore have no choice but to seek immediate relief. Plaintiffs seek a declaration that Defendants' conduct willfully infringes Plaintiffs copyrights, a ***permanent injunction*** requiring Defendants to employ reasonable methodologies to prevent or limit infringement of Plaintiffs' copyrights, and statutory damages for Defendants past and present willful infringement, or actual damages plus, of at least **7 million dollars**.

Jurisdiction And Venue

11. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act, 17 U. S. C § 1331 and 1338 (a).
12. The plaintiff resides in Memphis TN Shelby County and does business throughout the internet and United States abroad.
13. The court has jurisdiction pursuant to Bridgeport Music, Inc. v. Dimension Films 401 F. 3d 647 ruling (6th Cir. 2004)
14. This court has personal jurisdiction over Defendants. Google does continuous and systematic business throughout the United States and abroad including Memphis, TN and this district. Despite Google maintaining an office and employs personnel in New York and California defendants have also committed infringing acts outside of New York and California causing injury to Plaintiffs in Memphis, TN and defendants frequently solicit or doing business in Tennessee, and /or derive plentiful revenue from goods used or services rendered in Tennessee and/or

expect their infringing conduct to have consequences in Tennessee and derive considerable revenue from interstate commerce. In addition, Plaintiffs Pamela Moses principal place of business and residence is in Memphis, TN in this District and have been injured in Tennessee by Defendants infringing conduct.

15. Venue is proper in this District pursuant to 28 U. S. C. § 1391 (b) (c) and 1400 (a).

Plaintiffs

16. Plaintiff Pamela Moses 5 time ASCAP PLUS award winner aka "P. Moses aka Pretty Pimp aka Miss Pimpin Pretty" is an independent recording artist, songwriter, actor, of Let It B Known Records (LIBK Records/publishing company) with its principal place of business and residence in Memphis, TN.
17. Plaintiff has received 1st copyright November 11th 1987 from original song entitled "Johnny Cash Shook My Hand All", therefore plaintiff has been writing music since she was a small child.
18. Plaintiff created an original brand for the marketing of original Hip Hop entitled "Pimpin Pretty", "Pretty Pimp", "Pimp Pretty" "The Pretty Pimp", which consist of logos, pictures, sound recording, and trademarked design for promotional & branding purposes.

19. Plaintiff obtained sound recording copyright, trademark for "Pimpin Pretty" March 20th 2005 and has since branded and marketed products & services throughout the United States, Overseas, and the Internet.
20. Plaintiff obtained a copyright for the visual picture and logo of "Pimpin Pretty" and has been DBA under this since 2005.
21. Plaintiff has essentially invested time, energy, money into creating and marketing the brand of her original idea and expression.
22. Let It B Known Records has continue to invest thousands of dollars in its artist, the Copyright Act protects their economic incentive to do so and millions of potential consumers desire to experience the works created by its artist. Plaintiffs distribute and publicly perform those works, and/ or license them for distribution and/ or public performance by digital format, CD, DVD, and other video formats, through their own websites and various Authorized internet distribution channels, and over cell phones and other portable devices, among other ways.
23. Defendants' conduct openly and secondarily infringes the copyrights in works owned by or exclusively licensed to Plaintiffs that are subject of valid Certificates of Copyrights from the Register of Copyrights, including but not limited to those listed on Exhibit A attached to this Complaint.

DEFENDANTS AND THE INFRINGING YOUTUBE SERVICE

24. Defendant Shira Krasnow aka "Lil Miss Muffin" is a non-established fraudulent "wannabe" rapper/dancer resides in Pittsburgh, PA.
25. Defendants' YouTube Inc. is a Delaware corporation with its principal place of business in Mountain View, California.
26. Defendant YouTube, LLC is a Delaware limited liability company with its principal place of business in Mountain View, California.
27. Defendants Google, YouTube, LLC is a Delaware limited liability company with its principal place of business in Mountain View California. On information and belief, YouTube LLC is the successor in interest of YouTube Inc. YouTube, Inc. and YouTube, LLC are referred to collectively herein as "YouTube".
28. YouTube is a wholly owned and controlled subsidiary of Defendant Google Inc., a Delaware corporation with its principal place of business in Mountain View, California, and a place of business in the State of California. Pursuant to a transition that was publicly announced on October 9th 2006, and closed on November 13, 2006, Google acquired YouTube for 1.65 billion. The recent 1.65 billion acquisition price for YouTube reflects the website's enormous popularity. YouTube's value, however, is built largely on the unauthorized appropriation and exploitation of copyrighted works belonging to others, including Plaintiffs.
29. Google exercises substantial and continuing control over the continuing acts of YouTube that form the subject matter of this complaint. Google's

press release at the time of the closing of the 1.65 billion acquisition announced that YouTube would stay “on the same course” and, on information and belief, Google determined to have YouTube continue to withhold measures to prevent the copyright infringement known to be taking place on the site. Google has also recently launched a feature on Google’s own website whereby a search for videos returns thumbnails and results for videos on YouTube, thereby participating in, inducing, contributing to, and profiting from the infringement on YouTube. Additional massive damages to plaintiffs and others have been caused by Google’s conservation and sponsoring of YouTube’s infringing business model.

NATURE OF THE ACTION

30. Under Section 106 of the Copyright Act of 1976, 17 U.S.C. ss 101 seq.(the Copyright Act”), Plaintiffs have the distinct, severable, and exclusive rights to, among other things, reproduce, publicly perform, and publicly display their copyrighted works (see Exhibit E). 17 U. S. C. § 106(1), (4), (5). Under The Tennessee Trademark Act and Under Section of 15 U. S. C.§ 1125 (d) (1)(b)(i). Plaintiff have since 2004 designed and made work for hire of distinct logos, markings, designs, brand and trademark. Pursuant to The Tennessee Trade Mark Act Any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which--

(A) Is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person, or

(B) In commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person's goods, services, or commercial activities, shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act.

(2) As used in this subsection, the term "any person" includes any State, instrumentality of a State or employee of a State or instrumentality of a State acting in his or her official capacity. Any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this Act in the same manner and to the same extent as any nongovernmental entity.

(3) In a civil action for trade dress infringement under this Act for trade dress not registered on the principal register, the person who asserts trade dress protection has the burden of proving that the matter sought to be protected is not functional.

31. YouTube is a self-described "consumer media company" that deliver(s) entertaining, authentic, and informative videos across the Internet."

YouTube encourages individuals to upload videos to the YouTube site where YouTube makes them available for immediate viewing by members of the public free of charge. Although YouTube advertises itself as a service for sharing home videos, the well-known reality of YouTube's business is far different. YouTube has filled its library with entire movies, albums, episodes, and significant segments of popular copyrighted works and piggybacked creations of other copyright owners, that neither YouTube nor the users who submit the works are licensed to use in this manner.

32. Defendant Shira Krasnow has blatantly copied and attempted to confuse the consumer of the already established brand with a song P. Moses created in 2004 and because of Krasnow notoriety of her sexually explicit content she received from other YouTube content "Pound My Muffin" she has emulated artist P. Moses and assumed a similar name "Pimp Pretty" that was already created. Because YouTube user "Shira" blatantly contributed to infringed copyrighted works to the YouTube by the thousands, including those created by Plaintiff 7 years ago; the videos "delivered" by YouTube include a vast unauthorized collection of Plaintiffs copyrighted sound recording, trademark, and picture.

33. Videos available on YouTube are uploaded by users in the 1st instance, upon upload the videos become part of the YouTube library for performance and display on YouTube's own website which Defendants control and directly profit from. When Shira uploaded her video she used the protected, sound recording, logo/picture, and trade dress/mark to begin and promote the infringed works, YouTube copied the video in its own software format, adds it to its own servers, and makes it available for viewing on its own website. A user who wants to view a video entitled "Pimpin Pretty" would type terms into a search engine and indexing function provided by YouTube for this purpose on its site would return a search for the first letters type essentially drawing anyone looking for "Pimpin Pretty" to Shira Krasnow "Pimp Pretty" who is using infringed copyrighted material consequently steering traffic from the original works to the infringed works that are not copyrighted nor ever been copyrighted. YouTube creates thumbnails, which are individual frames from videos in its library- including infringing videos- for the purpose of helping users find

what they are searching for. This creating confusion because of the mimicked similarities, of a branded product of the original works created by Plaintiff. During the entire experience YouTube prominently displays its logo, user interface, and advertising to the user. Thus, the YouTube conduct that forms the basis of this Complaint is not simply providing storage space, conduits, or other facilities to user who create their own websites with infringing materials. To the contrary, YouTube itself commits the infringing duplication, and profits directly from it while the Plaintiff suffers from the theft of its user Shira Krasnow.

34. YouTube also makes it possible for a user to share an embedded video by clicking the word "share" that is displayed with the video. After clicking "share" the user is taken to a location on YouTube's own website where there is a form for entering the email addresses of persons to share the video with, YouTube then sends an email to each person listed in that form, with a link that takes the recipient to YouTube's own site to view the video, creating confusion of the original works of the already marketed brand of P. Moses.
35. Because of YouTube's popularity and its enterprise value the consumer is economically deprived of his or her rights to the original works created by Plaintiff.
36. Google, YouTube, and Shira Krasnow have not received a valid license, authorization, permission or consent to use the registered copyrighted works owned and branded by Plaintiffs that have appeared and continued to appear on YouTube website and are at issue in this action included but

not limited to those who listed on Exhibit A hereto. Instead, in a violation of Plaintiffs' rights under copyright law. You Tube and Shira Krasnow has willfully, intentionally, maliciously and purposefully reproduced, publicly performed, and publicly displayed the copyrighted works, and/or knowingly facilitated, enabled, induced, and materially contributed to infringing uses thereof, and/or refused to exercise its ability to control or supervise infringing uses thereof from which it obtains promotion and direct financial benefits.

37. Defendants received knowledge of August 14th 2012 of the infringement against plaintiff. See (Exhibit A)
38. LIBK Records sent notice to YouTube to cease and desist from hosting the infringed content on August 15th 2012. See (Exhibit B)
39. Defendants sent LIBK Records notice on August 23rd that the content was removed. (see Exhibit C)
40. According to the United States Copyright Office as of September 1st 2012 Defendant Shira Krasnow has **NO** record of *any* copyrights prior to 2011 despite counter-claiming rights to the original infringing works.
41. Defendant Shira Krasnow on August 24th 2012 counterclaimed rights to the Plaintiffs' original works See Exhibit (d) **"I swear, under penalty of perjury, that I have a good faith belief the material was removed due to a mistake or misidentification of the material to be removed or disabled."** I consent to the jurisdiction of the Federal District Court

for the district in which my address is located, or if my address is outside of the United States, the judicial district in which YouTube is located, and will accept service of process from the claimant.”

42. Defendants Shira Krasnow has profited attractively receiving millions of hits on her YouTube site because traffic was sent to her because of the infringed works.
43. Defendants YouTube have profited as well from her infringement through advertisement.
44. Defendants YouTube on September 7th 2012 returned the infringed content back to its popular site after receiving notice to cease and desist letter of the infringement and in return sent an email to let us know if you file legal action, totally disregarding Plaintiffs protected works again and exclusive rights.
45. YouTube has built its infringement-driven business by exploiting ***Independent Artist*** throughout the world to draw millions of users to its website, essentially crippling the chances of a genuine artist gaining momentum and true exposure.
46. YouTube also receives billions from advertisers to continue its illegal activities. Its explosive growth is not just limited to computers but YouTube comes preinstalled in mobile phones, essentially creating a media monopoly fundamentally barricading Plaintiffs right to free enterprise in the United States of America and abroad.

47. YouTube actions have been the direct and indirect cause of violence within the Hip Hop community and is liable for any and all acts that comes from its failure to control its content.
48. YouTube has the right and ability to regulate the massive infringement on its site, but chooses to profit instead of abide by the laws governed in the State of Tennessee and the United States of America.
49. YouTube's own site view videos, not when users make copies that they can share with others independently of YouTube's site. Thus when it is in YouTube's financial interest to do so, it proactively policies conduct it regards unauthorized, even on other websites. YouTube's consistent approach is to take no action to remove infringing videos from its library until a copyright owner notifies it that that specific video is infringing. Then YouTube considers which one is more popular and reinstates the popular infringing content totally disregarding the unlawfulness of its actions.
50. Copyright owners can monitor for infringing content only after they are posted on the site essentially creating a media monopoly on the site.
51. YouTube strategy also leaves Plaintiffs unable to meaningfully protect their rights essentially assassinating the *independent artist* ability to create and flourish.

52. YouTube's co-founder and chief executive Chad Hurley has publicly stated that YouTube will use filtering technology to identify and remove copyrighted works of companies that grant licenses with YouTube, but not to companies that decline to grant licenses on YouTube's terms essentially creating a media monopoly. By limiting copyright protection to business partners who have agreed to grant it licenses, YouTube attempts to coerce copyright owners to grant it a license in order to receive the protection to which they are entitled under copyright laws. Although Google CEO Eric Schmidt recently stated in a media interview that Google intends to make video anti-piracy tools generally available to all copyright owners, he did not provide a specific time frame for doing so and did not indicate whether non-licenses would be provided the same copyright protection as YouTube's business partners. See [Http://www.reuters.com/article/ousiv/idUSN213660720070222](http://www.reuters.com/article/ousiv/idUSN213660720070222). Even if Defendants at some future point provide protection to all copyright holders, including non-licensees, that will not in any way compensate Plaintiffs for the very substantial harm that Defendants have already caused.

CLAIMS FOR RELIEF

(Direct Copyright Infringement-Substantial Similarities Public Performance)

53. Plaintiffs incorporated by reference paragraphs 1-52 as if set forth herein.
54. Defendants, without the permission or consent of Plaintiffs, and without authority are publicly performing and purporting to authorize the public

performance of Plaintiffs' trademark, registered sound recording, and audiovisual works. Defendants cause these works to be publicly performed upon request by user Shira Krasnow. Defendant's conduct constitutes direct infringement of Plaintiffs' exclusive rights under the Copyright Act and Trademark Act to publicly perform their copyrighted works.

55. Defendants' acts of infringement have been willful, intentional, malicious and purposeful, in disregard of and indifferent to the rights of Plaintiffs.
56. As a direct and proximate result of Defendants' infringement of Plaintiffs' copyrights and exclusive rights under copyright and trademark, Plaintiffs are entitled to the maximum statutory damages pursuant to 17 U.S.C. § 504 (c). Alternatively, at Plaintiffs election, pursuant to 17 U.S.C. § 504 (b), Plaintiffs shall be entitled to their actual damages plus Defendants' profit from infringement, as will be proven at trial.
57. Plaintiffs are entitled to their cost, including reasonable fees, pursuant to 17 U. S. C. § 505.
58. Defendants' conduct is causing and, unless enjoined by this Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money, Plaintiffs have no passable remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiffs are entitled to a **permanent injunction** requiring Defendants to employ reasonable methodologies to prevent or limit infringement of Plaintiffs copyrights and trademark.

Count II

(Direct Copyright Infringement- Public Display)

59. Plaintiffs incorporated by reference paragraphs 1-58 as if set forth herein.
60. Defendants, without the permission or consent of Plaintiffs and without authority, are publicly displaying and purporting to authorize the public display of Plaintiffs registered copyrighted audiovisual, sound recording, trade and service marks works. Defendants cause these works to be publicly displayed by showing individual images and sound recording of infringing video clips. Defendants conduct constitutes direct infringement of Plaintiffs' exclusive rights under the Copyright Act and Tennessee Trademark Act to publicly display their copyrighted trademark sound recording and audio visual works.
61. Defendants' acts of infringement have been willful, intentional, and purposeful, in disregard of and indifferent to the rights of Plaintiffs.
62. As a direct and proximate result of Defendants' infringement of Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs are entitled to maximum statutory damages pursuant to 17 U.S.C. § 504 (c).
Alternatively, at Plaintiffs' election, pursuant to 17 U.S.C. § 504(b), Plaintiffs shall be entitled to their actual damages plus Defendants' profits from infringement, as will be proven at trial.
63. Plaintiffs are entitled to their cost including reasonable fees, pursuant to 17 U.S.C. § 505

64. Defendants' conduct is causing and, unless enjoined by this Court, will continue to cause Plaintiffs great and permanent injury that cannot fully be compensated or repaired. Plaintiffs have not adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiffs are entitled to a **permanent injunction** requiring Defendants to employ reasonable methodologies to prevent or limit infringement of Plaintiffs' copyrights.

COUNT III

(Direct Copyright Infringement- Reproduction)

65. Plaintiffs incorporate by reference paragraphs 1-64 as if set forth herein.

66. Defendants, without authority, are making, causing to be made, and purporting to authorize the making of unauthorized copies of Plaintiffs' registered copyrighted sound recording, trademark service mark, and visual works. Defendants' conduct constitutes direct infringement of Plaintiffs' exclusive right under the Copyright Act to reproduce their copyrighted works.

67. Defendants acts of infringement have been willful, intentional, and purposeful, in disregard of an indifferent to the exclusive rights of Plaintiffs.

68. As a direct and proximate result of Defendants' infringement of Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs are entitled to the maximum statutory damages pursuant to 17 U.S.C. § 504(c).

Alternatively, at Plaintiffs' election pursuant to 17 U. S.C. § 504(b), Plaintiffs shall be entitled to their actual damages plus Defendants' profit from infringement, as will be proven at trial.

69. Defendants' conduct is causing and, unless enjoined by this Court, will continue to cause Plaintiffs great and permanent injury that cannot fully be compensated or repaired. Plaintiffs have not adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiffs are entitled to a **permanent injunction** requiring Defendants to employ reasonable methodologies to prevent or limit infringement of Plaintiffs' copyrights.

COUNT IV

(INDUCEMENT OF COPYRIGHT INFRINGEMENT)

70. Plaintiffs incorporates by reference paragraphs 1-69 as if set forth herein.
71. YouTube and Shira Krasnow have infringed and are infringing Plaintiffs' rights in their registered copyrighted sound recording and audiovisual works by, inter alia, uploading infringing copies of Plaintiffs copyrighted works onto YouTube's website and publicly performing or displaying or purporting to authorize the public performance or display of such infringing videos, all without authorization. YouTube users are therefore directly infringing Plaintiffs' exclusive rights of reproduction, public performance, and public display under 17 U.S.C. § 106 (1), (4) and (5).

72. Defendants are liable under the Copyright Act for inducing the infringing acts of YouTube users. Defendants operate the YouTube website service with the object of promoting its use to infringe Plaintiffs' copyrights, and, by their clear expression and other affirmative steps, Defendants are unlawfully fostering copyright infringement by YouTube and Shira Krasnow.

73. Defendants are fully aware that Plaintiffs' sound recording, trademark service mark, and audiovisual works are copyrighted and authorized for purchase through various outlets, including numerous lawfully authorized online digital download services. Defendants are equally aware that YouTube user Shira Krasnow are utilizing the YouTube website and the services provided through that website to unlawfully reproduce, publicly perform, and publicly display Plaintiffs' copyrighted works. Defendants intend, encourage and induce Shira Krasnow to promote infringed works on its site.

74. Defendants' conduct is causing and, unless enjoined by this Court, will continue to cause Plaintiffs great and permanent injury that cannot fully be compensated or repaired. Plaintiffs have not adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiffs are entitled to a **permanent injunction** requiring Defendants to employ reasonable methodologies to prevent or limit infringement of Plaintiffs' copyrights.

COUNT V

(Contributory Copyright Infringement)

75. Plaintiffs incorporate by reference paragraphs 1-74 as if set forth herein.

76. YouTube and Shira Krasnow have infringed and are infringing Plaintiffs' right in their registered copyrighted, service mark, trademark, sound recording, and audio visual works by, inter alia, uploading infringing copies of Plaintiffs copyrighted works onto YouTube's website and publicly performing or displaying or purporting to authorize the public performance or display of such infringing videos, all without authorization. YouTube users are therefore directly infringing Plaintiffs' exclusive rights of reproduction, public performance, and public display under 17 U.S.C. § 106 (1), (4) and (5).

77. Defendants are liable as contributory copyright infringers for the infringing acts of YouTube users. Defendants enable, induce, facilitate, and materially contribute to each act of infringement by user Shira Krasnow.

78. Defendant YouTube have actual and constructive knowledge that YouTube user Shira Krasnow publicly performed and displayed Plaintiffs' copyrighted works. Plaintiff gave notice on August 14th 2012 that she had a registered copyright in regards to the works and to immediately remove the infringing content. Plaintiff provided YouTube with the United States registered Copyright Identification number.

79. Acting with this actual and constructive knowledge, Defendants continue to enable, facilitated, and materially contributed to Shira Krasnow willful malicious, copyright infringement, which could not occur without Defendant's YouTube's enablement.

80. Defendants' acts of infringement have been willful, intentional, malicious, and purposeful, in disregard of and indifferent to the rights of Plaintiffs.

81. As a direct and proximate result of Defendants' infringement of Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs are entitled to the maximum statutory damages pursuant to 17 U.S.C. § 504 (c). Alternatively, at Plaintiffs election, pursuant to 17 U.S.C. § 504 (b), Plaintiffs shall be entitled to their actual damages plus Defendants' profit from infringement, as will be proven at trial.

82. Defendants' conduct is causing and, unless enjoined by this Court, will continue to cause Plaintiffs great and permanent injury that cannot fully be compensated or repaired. Plaintiffs have not adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiffs are entitled to a permanent injunction requiring Defendants to employ reasonable methodologies to prevent or limit infringement of Plaintiffs' copyrights.

COUNT VI

(Vicarious Copyright Infringement)

83. Plaintiffs incorporate by reference paragraphs 1-82 as if set forth herein.

84. YouTube and Shira Krasnow have infringed and are infringing Plaintiffs' right in their service mark, trademark, registered copyrighted sound recording, and audio visual works by, inter alia, uploading infringing copies of Plaintiffs copyrighted works onto YouTube's website and publicly performing or displaying or purporting to authorize the public performance or display of such infringing videos, all without authorization. YouTube users are therefore directly infringing Plaintiffs' exclusive rights of reproduction, public performance, and public display under 17 U.S.C. § 106 (1), (4) and (5).
85. Defendants are vicariously liable for the infringing acts of YouTube user Shira Krasnow aka Lil Miss Muffin. Defendants are vicariously liable for the infringing acts of its YouTube users infringing conduct, and to prevent YouTube users from infringing Plaintiffs' service mark, trademark, copyrighted sound recording and audiovisual works.
86. Upon information and belief, YouTube currently engages in practices to enforce content restriction and protect the copyrighted works of its business partners, but withholds these same protections for the copyrighted persons, including Plaintiffs who have not granted licenses to YouTube. Shira Krasnow counter-claimed that she had rights to the infringe works despite providing a registered Copyright to even present such a claim. Shira Krasnow has **NO** record of any copyright prior to 2011 for any works according to the United States Copyrights Office. Shira Krasnow has no record of any Copyright entitled "Pimp Pretty" despite counter claiming rights through YouTube to exploit the already

copyrighted works, idea, and expression created by Plaintiff in 2004 and registered in 2005.

87. YouTube significantly directly benefits from Shira Krasnow widespread infringement through advertisement while crippling Plaintiffs ability to remain visible. The availability of a vast collection of infringing copyrighted works on the YouTube site, including Plaintiffs' works, acts as a definite draw, attracting Plaintiffs already marketed and targeted audience to Shira Krasnow infringing content which defames Plaintiffs' established brand. Defendants derive significant advertising revenue tied directly to the volume of traffic they are able to attract to the YouTube site. Shira Krasnow content is explicit, raunchy, similar, confusing and borderline pornographic as well as misleading to potential consumers of the already established brand of created by Plaintiff.
88. Defendants' acts of infringement have been willful, intentional, malicious, and purposeful, in disregard of and indifferent to the rights of Plaintiffs.
89. As a direct and proximate result of Defendants' infringement of Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs are entitled to the maximum statutory damages pursuant to 17 U.S.C. § 504 (c). Alternatively, at Plaintiffs election, pursuant to 17 U.S.C. § 504 (b), Plaintiffs shall be entitled to their actual damages plus Defendants' profit from infringement, as will be proven at trial.
90. Defendants' conduct is causing and, unless enjoined by this Court, will continue to cause Plaintiffs great and permanent injury that cannot fully be

compensated or repaired. Plaintiffs have not adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiffs are entitled to a **permanent injunction** requiring Defendants to employ reasonable methodologies to prevent or limit infringement of Plaintiffs' copyrights.

COUNT VII

(TRADEMARK INFRINGEMENT- CONFUSING SIMILAR AND MISREPRESENTATION)

91. Plaintiffs incorporate by reference paragraphs 1-90 as if set forth herein.

92. YouTube and Shira Krasnow have infringed and are infringing Plaintiffs' right branded trademark by, inter alia, uploading infringing copies of Plaintiffs copyrighted works onto YouTube's website and publicly performing or displaying or purporting to authorize the public performance or display of such infringing videos, all without authorization. YouTube users are therefore directly infringing Plaintiffs' exclusive rights of reproduction, public performance, and public display under Tennessee Trade Mark Act of 2000, and to amend Tennessee Code Annotated, Title 47, Chapter 25, Part 5.

93. As a direct and proximate result of Defendants' infringement of Plaintiffs' trademark and exclusive rights under Trademark Law, Plaintiffs are entitled to the maximum statutory damages pursuant to 15 U.S.C. §1125 (c). Alternatively, at Plaintiffs election, pursuant to 15 U.S.C. § 1125(d) 1, Plaintiffs shall be entitled to their actual damages plus Defendants' profit from infringement, as will be proven at trial. In a case involving the use of a counterfeit mark (as defined in section 34(d) (15 U.S.C. 1116 (d)) in

connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in connection with the sale, offering for sale, or distribution of goods or services in the amount of--

(1) Not less than \$500 or more than \$ 100,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or

(2) If the court finds that the use of the counterfeit mark was willful, not more than \$ 1,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.

94. Defendants are liable for Shira Krasnow infringing acts and its own actions.

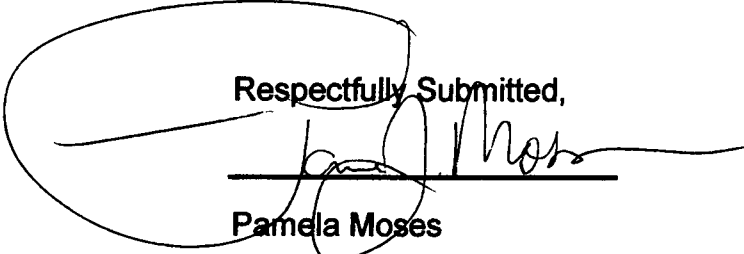
95. Defendants' conduct is causing and, unless enjoined by this Court, will continue to cause Plaintiffs great and permanent injury that cannot fully be compensated or repaired. Plaintiffs have not adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiffs are entitled to a **permanent injunction** requiring Defendants to employ reasonable methodologies to prevent or limit infringement of Plaintiffs' trademark.

WHEREFORE, Plaintiffs pray for judgment against the Defendants as follow:

1. For a declaration that Defendants' Google, YouTube, and Shira Krasnow willfully infringes Plaintiffs' copyright both directly and secondarily.

2. For a permanent injunction requiring that Defendants and their agents, servants, employees, officer, attorneys, successors, licensees, partners, and assigns, and all persons acting in concert or participation with each or any of them cease directly or indirectly infringing, or causing, enabling, facilitating, encouraging, promoting and inducing, or participating in the infringement of, any of Plaintiffs' respective copyrights or exclusive rights protected by the Copyright Act, whether now in existence or hereafter created.
3. For statutory damages pursuant to 17 U.S.C. § 504 (c). Alternatively, at Plaintiffs' election, pursuant to 17 U.S.C. § 504 (b), for actual damages plus Defendants' profit from infringement, as will be proven at trial.
4. For Plaintiffs' cost, including reasonable fees pursuant to 17 U.S. C. § 505.
5. For pre-and post judgment interest according to law.
6. For such other and further relief as the Court may deem just, fair, and proper.

September 21, 2012

Respectfully Submitted,


Pamela Moses

P.O. Box 80564

Memphis, TN 38108

901-907-0256

Certificate of Service

I declare under penalty of perjury and certify that a true and exact copy of the foregoing is true and correct pursuant to 28 U. S. C. 1746 has been mailed to YouTube, Google, and Shira Krasnow this day of September 20th, 2012

To: Shira Krasnow

5505 Darlington Rd.

Pittsburg, PA 15217

**To: YouTube Legal Corporate
1600 Amphitheatre Parkway**

Mountain View, CA 94043

**To: Google Corporate Office
1600 Amphitheatre Parkway
Mountain View, CA 94043**

x 
Plaintiff