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United States District Court -
Northern District of California

LATONYA R FINLEY,

Plaintiff,

vs.

YOUTUBE, LLC ,

Defendant

Case No.: C20-4888 SK

DEMAND OF JURY TRIAL

COMPLAINT

COMES NOW the plaintiff LaTonya R. Finley, hereby allege against all defendants as follows:

THE PARTIES

1. Plaintiff LATONYA R. FINLEY is now, and at all time relevant herein, has been, a resident of the State of California, County of Alameda

2. Defendant YouTube us a Delaware Limited Liability Company with its principal place of business in San Bruno, California.

JURISDICTION AND VENUE

This Court has original and exclusive jurisdiction for this matter under 28 U.S.C. § 1338 as this is a civil action arising under an Act of Congress governing copyrights, specifically under 17

U.S.C. § 512(f) of the Copyright Act. 4. Venue in this judicial district is proper under 28 U.S.C. § 1400(a) as this is a district in which the defendant resides or may be found.

FACTUAL ALLEGATIONS

Defendants have repeatedly violated the DMCA requirements for copyright takedown, by failing to provide the registered agent information, such as: full name, phone number, and email as required by DMCA. This lawsuit seeks to hold YouTube accountable for the misconduct, negligent and for the damage YouTube has caused to the creator.

On or about May 4, 2020, plaintiff received a copyright takedown notice from the automated service from YouTube; indicating, "That Pixel World Roleplay LTD submitted a copyright claim against plaintiff's channel and that plaintiff had a copyright strike against her channel. YouTube automated service provided no contact information of the copyright owner and no specifics as to what content was being infringe upon. When plaintiff responded to the automated service about the copyright takedown, YouTube automated service responded, "We haven't been able to process your counter notification given the information you have provided us".

The automated email only allows the alleged infringer so many characters to respond to an incomplete copyright takedown that don't provide any specifics information, no contact information as to the copyright owner, no information as to what the infringer infringed upon. YouTube, as the online service provider; do not provide a registered agent for the alleged infringer to make contact, just an automated system that is program to identify certain keywords; in which in response YouTube will respond with a generic message.

As an online service provider, YouTube have mandatory requirements that must be adhered to before alleged copyright material can be taken down; and if those guidelines are

not followed by the online service provider the online service provider lose it rights to "safe harbor".

The plaintiff has no way of holding the alleged copyright owner for knowingly misrepresenting material or activity that is false. Therefore, the plaintiff material is removed or disabled without any consequences and despite the counter response of plaintiff plea of the false claim filed; YouTube ignores the abusive behavior of the alleged copyright owner and the plaintiff suffer adverse consequences, as the material may or may not be activated.

YouTube will continue to punish the creators from alleged copyright infringement from unknown copyright owners that has no identifying information for the creators to file suit against abusive behavior that create irreparable harm. YouTube as the service provider has an obligation that the plaintiff has the necessary information to file its complaint before the on any false information that has been submitted that has injury to the plaintiff. Injunctive relief is necessary to prevent irreparable harm to plaintiff.

Wherefore, plaintiff prays for relief as set forth below.

PRAYER FOR RELIEF

PLAINTIFF prays:

1. For an award of compensatory damages in an amount to be proven at trial arising from Defendants' violation of 17 U.S.C. §512;
2. For an award of its costs and reasonable attorneys' fees
3. For preliminary injunctive relief barring YouTube from continuing to allow a strike against plaintiff's channel from Pixel World LTD and all those in active concert with Pixel World LTD from submitting notices of alleged infringement to YouTube that

misrepresent that material on the YouTube service is infringing copyrights held or claimed to be held by Pixel World or anyone Pixel World claims to represent;

4. For such other, further, and different relied as the Court deems proper under the circumstances.

Dated this 20th of July 2020.

LaTonya R. Finley-Sui Juris