

1 Richard S. Busch (SBN 319881)
E-Mail: *rbusch@kingballow.com*
2 **KING & BALLOW**
3 1999 Avenue of the Stars, Suite 1100
Los Angeles, CA 90067
4 Telephone: (424) 253-1255
5 Facsimile: (888) 688-0482
Attorney for Plaintiff

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9
10 FREEPLAY MUSIC, LLC

Case Number: 22-cv-8680

11 Plaintiff,

**COMPLAINT FOR
COPYRIGHT INFRINGEMENT
AND VICARIOUS COPYRIGHT
INFRINGEMENT**

12 vs.

13
14 Cable News Network, Inc., CNN Chile
and CNN Philippines

15 Defendants.

DEMAND FOR JURY TRIAL

16
17
18 Plaintiff FREEPLAY MUSIC, LLC, by and through its attorneys of record,
19 alleges as follows:

20 **JURISDICTION**

21 1. Subject matter jurisdiction over this action is conferred upon this
22 Court by 28 U.S.C. §§ 1331 and 1338 as Plaintiff’s claims arise under the
23 Copyright Act, 17 U.S.C. §§ 101 *et seq.*

24 2. This Court has general personal jurisdiction over Defendant Cable
25 News Network, Inc. (“CNN”) as CNN maintains substantial offices in Los
26 Angeles, which they call their “west-coast headquarters”, and operates and
27 transacts business within Los Angeles County. Upon information and belief, CNN

1 has continuously maintained contacts and has so availed itself of the laws of
2 California such that it is essentially at home in the state. Furthermore, CNN is
3 accessed by millions of Californians on a regular basis.

4 3. This Court has specific personal jurisdiction over CNN because its
5 suit-related conduct creates a substantial connection with the State of California
6 and this Judicial District. CNN licenses the right to utilize the CNN name,
7 trademarks, intellectual property, graphics, format and content, among other things,
8 to CNN Philippines, CNN Indonesia, CNN Chile and CNN-News18 (collectively,
9 the “International Parties”), and provides training to the International Parties in all
10 aspects of the operation of those businesses. To the ordinary viewer, all aspects of
11 the International Parties appear identical to CNN. The International Parties then
12 broadcast their content, including the more than 280 infringing segments
13 unlawfully copying the 115 Infringed Works back to the United States through
14 CNN International, which is available on numerous cable and satellite providers in
15 the United States, including in this Judicial District, as well as through the internet
16 as discussed in more detail below. Under these license and/or joint venture
17 agreements, CNN maintains the right and ability to control the conduct of the
18 International Parties, and has a direct financial interest in their businesses, as
19 discussed more fully below.

20 4. Furthermore, upon information and belief, and as also described in
21 more detail below, CNN has, both directly and through its licensees, the
22 International Parties, targeted the state of California and this Judicial District
23 specifically with its suit-related conduct as described herein.

24 5. This Court has specific personal jurisdiction over CNN Philippines
25 because its suit-related conduct creates a substantial connection with the State of
26 California and this Judicial District. Los Angeles is home to the largest Filipino
27 population in the United States. CNN and CNN Philippines specifically target this

1 large Filipino consumer base in Los Angeles with their content, as they are aware
2 of this population's interest in their news product and the benefit they will receive
3 from their viewership. Further, upon information and belief, CNN Philippines
4 creates content to specifically appeal to the Filipino consumer base in this District.
5 On information and belief, CNN and CNN Philippines enter into agreements with
6 cable and satellite providers in the United States, including in California, to
7 broadcast CNN Philippines content, including the infringing content, through CNN
8 International, a division of CNN, in California. These parties all benefit financially
9 from these arrangements. Further, CNN Philippines content, including the
10 infringing content, is available on the CNN Google Play App, and can be
11 downloaded from the Google Play Store and viewed on YouTube. On information
12 and belief, CNN Philippines content, including the infringing content, has been
13 downloaded and viewed by California residents. CNN and CNN Philippines benefit
14 financially from all of the above.

15 6. This Court has specific personal jurisdiction over CNN Chile because
16 its suit-related conduct creates a substantial connection with the State of California
17 and this Judicial District. Los Angeles is home to the largest Chilean population in
18 the United States. CNN and CNN Chile specifically target this large Chilean
19 consumer base in Los Angeles with their content, as they are aware of this
20 population's interest in their news product and the benefit they will receive from
21 their viewership. Further, upon information and belief, CNN Chile creates content
22 to specifically appeal to the Chilean consumer base in this District. On information
23 and belief, CNN and CNN Chile enter into agreements with cable and satellite
24 providers in the United States, including in California, to broadcast CNN Chile
25 content, including the infringing content, through CNN International, a division of
26 CNN, in California. These parties all benefit financially from these arrangements.
27 Further, CNN Chile content, including the infringing content, is available on the

1 CNN Google Play App, and can be downloaded from the Google Play Store and
2 viewed on YouTube. On information and belief, CNN Chile content, including the
3 infringing content, has been downloaded and viewed by California residents. CNN
4 and CNN Chile benefit financially from all of the above.

5 7. Upon information and belief, Defendants exploited FPM's
6 copyrighted Works (the "Works", as identified in Exhibit A, attached hereto)
7 within the State of California, and/or authorized the same within the State of
8 California.

9 8. Upon information and belief, as mentioned above, the International
10 Parties' programming is broadcast directly back to the United States through
11 various cable and satellite providers on CNN International, which is a division of
12 CNN, and is located in the United States, and is available in this District. Upon
13 information and belief, each of the infringing segments including the Works were
14 broadcast into this District through CNN International and viewed by citizens in
15 this District. Furthermore, as also discussed above, the programming of the
16 International Parties is made available to California residents on the CNN Google
17 Play App (which can be downloaded from the Google Play Store), YouTube, and
18 other similar means of distribution, all of which are accessible by citizens in this
19 District. On information and belief, the infringing segments with the Works have
20 been downloaded and viewed in this District by citizens of this District through all
21 of the foregoing means of distribution.

22 9. Upon information and belief, CNN and the International Parties have
23 generated substantial benefits from the infringing exploitation of the Works in
24 California and this District specifically, due to this District housing the largest
25 population of native citizens from those countries in this District.

1 10. Upon information and belief, CNN and the International Parties
2 specifically developed and curated content, including the Works, that were
3 specifically designed to target the Californian market, and this District specifically.

4 11. Upon information and belief, CNN and the International Parties have
5 continuously and systematically transacted business within the State of California
6 by having their television channels available via streaming in California, as well as
7 cable and satellite channels, and operating and maintaining extremely popular
8 interactive websites, YouTube channels, Instagram profiles and other social media
9 channels targeted and accessible to Californians. CNN and the International Parties'
10 content is effortlessly accessible to Californians, and, upon information and belief,
11 is accessed by Californians on a regular basis.

12 12. Further, the International Parties downloaded the Works from United
13 States based servers knowing that the Works would be available to stream and
14 would be broadcast back into the United States, particularly within this forum, as
15 described throughout this Complaint.

16 13. Upon information and belief, the International Parties, at the bequest
17 of CNN, have sent staff to visit CNN's offices in the United States, including
18 California, for the purposes of training and education to ensure that created content
19 would be consistent and conform with the CNN brand, look, and feel.

20 14. Upon information and belief, under the agreements between CNN and
21 the International Parties, the Defendants have purposefully availed themselves of
22 the laws of the United States and/or California.

23 15. Upon information and belief, CNN and the International Parties
24 benefited substantially from their exploitation of the Infringing Works within the
25 State of California, as discussed herein, through advertising revenue, cable and
26 satellite fees, and through other means.

1 16. CNN and the International Parties have knowingly and willfully
2 exploited the Infringing Works within the State of California.

3

4

VENUE

5 17. Venue in this judicial District is proper pursuant to 28 U.S.C. §
6 1391(b), and § 1400(a), as a substantial part of the events or omissions giving rise
7 to the claim occurred in this District, including for example, by the maintenance of
8 CNN’s corporate office in Los Angeles, California, because Defendants are subject
9 to personal jurisdiction within this Judicial District, and because the largest
10 population of Chileans, Filipinos, and Indonesians in the United States are located
11 in Los Angeles, California so that the infringing material is mostly viewed in the
12 United States in Los Angeles, California, and thus targeted to this District.

13 18. The brunt of Plaintiff’s harm has therefore occurred in this District as
14 a result of Defendants’ infringing conduct.

15

16

PARTIES

17 19. Plaintiff Freeplay Music, LLC (“FPM”) is a Delaware limited liability
18 company with a principal place of business at 1650 Broadway, Suite 1108, New
19 York, New York, 10019, and is the rightful owner of the Works, all duly registered
20 with the United States Copyright Office. The titles and registration numbers for
21 each work are listed in Exhibit A.

22 20. Defendant CNN is a Delaware corporation with its principal place of
23 business in Atlanta, Georgia. CNN has a substantial office in Los Angeles, which
24 it calls its west coast headquarters, located at 6430 Sunset Blvd #300, Los Angeles,
25 CA 90028. CNN owns CNN International and Great Big Story whose conduct, as
26 described below, is also relevant to this Action.

27

28

1 this conduct was known to FPM until recently. Considering the tens of millions of
2 websites and hundreds of millions of videos on the internet, if not more, that would
3 need to be monitored to detect these infringing uses, FPM's discovery is nothing
4 short of remarkable. These are not minor uses. FPM's production music library has
5 been used to create and enhance the CNN brand in these segments, and to create the
6 mood and feel that the International Parties aimed to convey. The Works often
7 appear at the beginning of the segment and run throughout. The Works are therefore
8 essential to each of the segments at issue in this Action. The massive unauthorized
9 copying of the Works was also not perpetrated by mistake. As discussed below, the
10 licensing and payment requirements are clearly described on the FPM website. FPM
11 placed CNN on notice of this infringement, but its letter was ignored.

12 26. This is, therefore, an action for willful copyright infringement by news
13 media goliaths who, as experienced major network broadcasters who commission
14 and license music all the time, certainly know they need to obtain a proper license
15 before commercially using the Works. As mentioned, this Action involves the
16 copying of 117 of FPM's copyrighted Works of which FPM is currently aware. FPM
17 is a popular digital music library that offers a large online catalog of over 50,000
18 creative works for licensing under clear terms of use provided for on the FPM
19 website. The FPM Works are made available by FPM for the material purpose of
20 offering them for use in broadcast commercial videos. FPM's business model is
21 based on this premise. A significant market for FPM is thus licensing its Works for
22 a fee to companies to be used for commercial use as music in advertisements or other
23 synchronized broadcast in which FPM's music is placed with audiovisual works.
24 Defendants did exactly that –used FPM's Works, which are the subject of this
25 Action, in their broadcasts for commercial gain. The International Parties used the
26 FPM Works for the explicit purpose of enhancing their news product. The
27 International Parties therefore derived advertising and other revenue and profits as a

1 direct result of said infringement, and CNN, which allows the International Parties
2 to operate through a license, and trains them in all matters, and has the right and
3 ability to therefore supervise and control the International Parties, including but not
4 limited to the content broadcast by them, also financially benefitted through the
5 terms of its licensing agreement with the International Parties, and through
6 agreements with satellite and cable channels, and in other ways. However, as
7 discussed more fully below, neither the International Parties nor CNN ever acquired
8 a license to use the Works in any way, though they have continued for years to
9 exploit the Works to further enhance their news product. Neither the International
10 parties nor CNN can claim that they obtained the Works any place other than the
11 FPM website, as the Works involved in this action are exclusively offered only on
12 the FPM website. As high-profile news media companies which strive to provide the
13 best news product all across the world, CNN and the International Parties know they
14 must obtain a license to use other's intellectual property, including and specifically
15 musical compositions and recordings, in order to synchronize that copyrighted music
16 in their commercially broadcast productions. Despite this, they willfully and
17 consciously did not do so here on a breathtaking scale. The infringement is
18 continuing to this day.

19 27. FPM works with TuneSat, LLC ("TuneSat"), a technology company
20 that detects uses of music that are exploited online and on television. TuneSat
21 services major music publishing companies, major record labels, and other copyright
22 owners on a global scale in 14 countries and through millions of websites. TuneSat
23 has more than 10,000 registered user accounts worldwide.

24 28. TuneSat sent FPM a report of these infringing activities on May 3, 2022
25 and again in November of 2022. As mentioned, detecting this infringement is no
26 small feat considering there are tens of millions of websites and hundreds of millions
27 of videos on the internet and more created each day. There are likely many other

1 unauthorized uses that have not yet been discovered. For FPM to be able to find
2 every use of FPM's Works on the internet would be impossible. Finding these
3 infringements is akin to finding a needle in a haystack. The International Parties and
4 CNN apparently counted on the difficulty of being caught in deciding to engage in
5 this massive willful copyright infringement. The International Parties and CNN are
6 the only entities with knowledge of their use of the entire universe of Works, not
7 FPM.

8 29. FPM owns the duly registered copyrighted Works that have been
9 infringed (of which they are aware), identified on Exhibit A with their corresponding
10 use. FPM has identified, through TuneSat's audio fingerprint technology, that
11 collectively the International Parties, CNN, CNN International and Great Big Story
12 have exploited the Works in at least 283 different videos. In fact, all these uses of
13 the Works are a direct lifting, meaning they used the exact works exclusively offered
14 on FPM's website that require a license and payment.

15 30. FPM thus brings this action to vindicate its rights for the willful
16 infringement of the FPM Copyrights, to recover damages, and requests that this
17 Court grant the maximum award of statutory damages for willful copyright
18 infringement in the amount of \$150,000.00 per infringed work. In light of this blatant
19 and willful copyright infringement, anything less than the maximum statutory award
20 of \$150,000.00 per infringed work would not get the attention of these media
21 goliaths that continue to commit widespread infringement of FPM's intellectual
22 property, while vigorously protecting their own intellectual property. Anything less
23 than the maximum in statutory damages would also not deter future infringement.
24 The copying of the Works without a license and payment destroys the value of these
25 copyrights, and sends a message that anyone can use FPM's music catalog at no cost
26 and without consequence.

1 **STATEMENT OF FACTS**

2
3 **I. Introduction to FPM & Its Business Model**

4 31. Scott Schreer (“Schreer”), one of America’s most prolific and
5 performed TV composers and producers, formed FPM in 2001 as a high-quality
6 online music library. Schreer, whose credits include, among many others, the *NFL*
7 *on Fox* theme, is also a contributing composer to FPM’s music catalog. Schreer has
8 won 7 Distinguished BMI songwriter of the year awards over the last ten years.
9 BMI only gives out 25 such awards per year to their more than 1 million current
10 writer and publisher members.

11 32. FPM is one of the world’s most visited and popular online music
12 production library destination portals for major broadcasters, advertisers,
13 production studios, prosumers and consumers alike. FPM offers its music catalog
14 of over 50,000 creative works, representing 480 composers. Its catalog is available
15 for licensed commercial use intended to be synchronized with audiovisual works.
16 FPM has issued more than 4 million internet licenses with more than 250 million
17 impressions to its website since its inception.

18 33. FPM’s website (freeplaymusic.com) clearly states that each of its
19 songs, including the Works, must be licensed for the commercial use at issue in this
20 Action. For example, there is a “Pricing” and a “Shopping Cart” feature
21 prominently located at the top right of its website:



1 34. Under the Pricing tab, FPM’s website lists that the annual fee for
2 Advertising for TV/Radio/Web, for “Web Only,” is \$250 per song, per video. The
3 Web Only usage clearly states that “This license is for the use of one track in one
4 advertisement, to be posted on unlimited URLs for one (1) year. Please read our
5 TERMS OF USE carefully about the restrictions of this license.”

6 35. Under the Pricing tab, FPM’s website lists that the annual fee for
7 Advertising for “TV/Radio/Web” is \$500 per song, per video. The TV/Radio/Web
8 usage clearly states that “This license is for the use of one track in one
9 advertisement, to be posted on *unlimited URLs* and broadcast on television and/or
10 radio for one (1) year. Please read our TERMS OF USE carefully about the
11 restrictions of this license.”

12 36. Under the Pricing Tab, FPM’s website lists that the annual fee for a
13 YouTube Business Use is \$250 per song, per video. The YouTube Business usage
14 is clearly described as, “the use of one track in one business-related video, to be
15 posted on unlimited URLs for one year.”

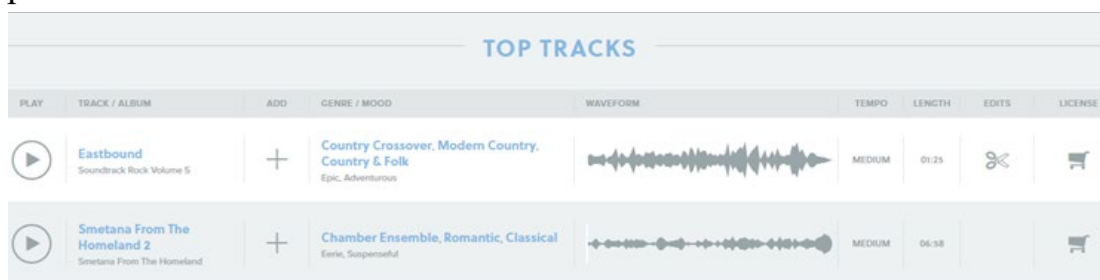
16 37. Additionally, FPM’s website is governed by its Terms of Use
17 Agreement (“Terms of Use”), entitled “Freeplay Music LLC Terms of Use
18 Agreement,” which can be found at the following URL:
19 <https://freeplaymusic.com/#!/terms>. The Terms of Use state the following,
20 **“PLEASE [CLICK HERE](#) TO READ MORE ABOUT OUR MUSIC**
21 **LICENSING. A WRITTEN LICENSE IS REQUIRED FOR ALL USE OF**
22 **FREEPLAY’S MUSIC.”** The hyperlink takes you to the Pricing site, mentioned
23 directly above.

24 38. As FPM’s website makes clear, FPM requires users to license each of
25 its songs, including the Works, for any exploitation on YouTube or otherwise.

26 39. Prior to downloading and using FPM’s music, including the Works,
27 users must enter into a written license agreement with FPM that corresponds with
28

1 the user’s intended use of the works (i.e., personal or commercial). The fee for such
 2 licenses varies, as discussed above, but Defendants’ exploitations of the Infringing
 3 Works would have been *at least* \$250 per each track, per each video use for a one
 4 (1) year license.

5 40. Additionally, the front page of FPM’s website lists the “Top Tracks,”
 6 as shown directly below. There is a shopping cart image below the column that
 7 says “License.” At all relevant times herein, FPM has made it clear that a license
 8 is required for the use of its works.



14 41. Had FPM not been so vigilant as to use TuneSat to search Defendants’
 15 videos uploaded across various streaming platforms, there is no way that they
 16 could have discovered these infringements.

17
 18 **II. Defendant CNN Philippines & Its Unauthorized Use of the Works**

19 42. CNN Philippines launched in 2015 and has become a world leader in
 20 providing news about the Philippines across the world. Its content can be streamed
 21 online and is also available, among other places, on its YouTube channel
 22 <https://www.youtube.com/c/cnnphilippines>, which as of November, 2022 has 1.19
 23 million subscribers and 316,183,422 views.

24 43. CNN Philippines has access to CNN content and receives direct
 25 training and services as part of its agreement with CNN.

1 44. Upon information and belief, CNN Philippines staff have been sent to
2 the United States to receive training from CNN staff, and CNN staff have traveled
3 to the Philippines to train CNN Philippines staff.

4 45. In April 2016, CNN Philippines received six awards from the Golden
5 Dove Awards of the Kapisanan ng mga Brodkaster ng Philippines (“KBP”), most
6 notably, the Best Newscaster Award for Newsroom anchor Mitzi Borromeo. On
7 June 30, 2016, CNN Philippines was recognized as the “Television Station of the
8 Year” in the Rotary Club of Manila Journalism Awards. Two of CNN Philippines’
9 news programs were recognized by the Asian Academy Creative Awards for
10 national categories on October 15, 2020.

11 46. Without any license, CNN Philippines has unlawfully utilized and
12 directly copied at least seventy-three (73) of FPM’s copywritten works in at least
13 169 videos. CNN Philippines did so by copying the Works off of FPM servers
14 located in the United States. As discussed above, on information and belief, the
15 content of CNN Philippines is broadcast back to the United States on CNN
16 International on many cable and satellite networks all available in this District. On
17 further information and belief, each of the infringing segments containing the
18 Works have been viewed, and downloaded by citizens of California and this
19 District.

20 21 **III. CNN Indonesia & Its Unauthorized Use of the Works**

22 47. CNN Indonesia launched in 2014. Its content can be streamed online
23 and is also posted on its YouTube channel
24 <https://www.youtube.com/c/CNNIndonesiaOfficial>, which as of November, 2022
25 has a staggering 9.91 million subscribers and 5,151,991,536 views.

26 48. CNN Indonesia has access to CNN content and receives direct training
27 and services as part of its agreement with CNN.

1 49. Upon information and belief, CNN Indonesia staff have been sent to
2 the United States to receive training from CNN staff, and CNN staff have traveled
3 to Indonesia to train CNN Indonesia staff.

4 50. Without any license, CNN Indonesia has unlawfully utilized and
5 directly copied at least forty (40) of FPM's Works in at least ninety-one (91) videos.
6 CNN Indonesia did so by copying the Works off of FPM servers located in the
7 United States. As discussed above, on information and belief the content of CNN
8 Indonesia is broadcast back to the United States on CNN International on many
9 cable and satellite networks all available in this District. On further information
10 and belief, each of the infringing segments containing the Works have been viewed,
11 and downloaded by citizens of California and this District as discussed above.

12
13 **IV. Defendant CNN Chile & Its Unauthorized Use of the Works**

14 51. CNN Chile launched in 2008 and is Chile's leading 24-hour news
15 network and a world leader in providing Chilean news to Chileans across the world.
16 Its content can be streamed online and is also available, among other places, on its
17 YouTube channel <https://www.youtube.com/c/cnnchile>, which as of November,
18 2022 has 683,000 subscribers and 307,202,501 views. As discussed above, on
19 information and belief, the content of CNN Chile is broadcast back to the United
20 States by CNN International on many cable and satellite networks all available in
21 this District. On further information and belief, each of the infringing segments
22 containing the Works have been viewed, and downloaded by citizens of California
23 and this District as discussed above.

24 52. In addition to a fully staffed local news production center based in
25 Santiago, CNN Chile has complete access to CNN's newsgathering resources
26 including the support of 4,000 journalists based around the globe.

1 53. Upon information and belief, CNN Chile staff have been sent to the
2 United States to receive training from CNN Staff, and CNN staff have traveled to
3 Chile to train CNN Chile staff.

4 54. Without any license, CNN Chile has unlawfully utilized and directly
5 copied at least three (3) of FPM's Works in at least nineteen (19) different videos.
6

7 **V. CNN-News18 & Its Unauthorized Use of the Works**

8 55. CNN-News18 is based in India and launched in 2005. Its content can
9 be streamed online and is available, among other places, on its YouTube channel
10 <https://www.youtube.com/c/cnnnews18>, which as of November 2022 has 2.94
11 million subscribers and 797,435,718 views.

12 56. CNN-News18 has access to CNN content and receives direct training
13 and services as part of its license agreement with CNN.

14 57. CNN-News18 reaches an average of 45 million households every day.

15 58. Upon information and belief, CNN-News18 staff have been sent to
16 the United States to receive training from CNN staff, and CNN staff have traveled
17 to India to train CNN-News18 staff.

18 59. Without any license, CNN-News18 has unlawfully utilized and
19 directly copied at least two (2) of FPM's Works in at least two (2) different videos.
20

21 **VI. CNN, Its Control & Financial Benefits**

22 60. As touched on above, CNN provides newsgathering resources,
23 training and many other services to its sister company, CNN Chile and CNN's joint
24 venture partners CNN Philippines, CNN Indonesia and CNN-News18. The CNN
25 Worldwide Fact Sheet located at [https://cnnpressroom.blogs.cnn.com/cnn-fact-](https://cnnpressroom.blogs.cnn.com/cnn-fact-sheet/)
26 [sheet/](https://cnnpressroom.blogs.cnn.com/cnn-fact-sheet/) states that CNN provides the International Parties with ample resources and
27 training.
28

1 61. CNN International and Great Big Story have also willfully infringed
2 on the FPM Works; each having used one (1) FPM Work in one (1) of their videos.

3 62. Upon information and belief, CNN develops guidelines governing the
4 type of content the International Parties, CNN International and Great Big Story
5 can produce and exploit on their platforms.

6 63. Upon information and belief, CNN has and at all times had the right
7 and the ability to control and supervise the conduct of the International Parties,
8 CNN International and Great Big Story as well as the content they can produce and
9 exploit.

10 64. Upon information and belief, CNN staff has traveled to the
11 Philippines, Indonesia, Chile, and India to train the other CNN entities' staff, and
12 staff from CNN Philippines, CNN Indonesia, CNN-News18 and CNN Chile have
13 traveled to the United States to receive training from CNN staff.

14 65. CNN has the right and ability under their various agreements and
15 relationships with the International Parties, CNN International and Great Big Story
16 to supervise and control their content, including but not limited to the use of
17 infringing material.

18 66. Upon information and belief, CNN gained and continues to gain a
19 direct and substantial financial benefit from the material that appears on CNN
20 Chile, CNN Philippines, CNN Indonesia, CNN-News18, CNN International and
21 Great Big Story, including the infringing material, due to the vast viewership of
22 these platforms, and the substantial revenue derived from their programming. The
23 prestige these entities bring enriches CNN and its overall brand. This includes but
24 is not limited to CNN receiving advertising revenue and other income streams (such
25 as money from licensing of content to cable and satellite providers, and revenue
26 from the CNN Google Play App, YouTube, etc.) under their various agreements
27 with the International Parties and others. This financial benefit CNN receives from

1 the content of the International Parties includes the broadcast and distribution of
2 the infringing segments containing the Works.

3 67. Additionally, upon information and belief, CNN has and continues to
4 further directly benefit from the International Parties, CNN International and Great
5 Big Story’s vast infringement of the FPM Works; a by no means exhaustive list of
6 examples of which are by receiving a share of the revenue from these entities, as
7 well as licensing fees from CNN Philippines, CNN Indonesia and CNN-News18.

8
9 **CAUSES OF ACTION**

10 **Copyright Infringement Against CNN Chile and CNN Philippines**

11 68. Plaintiff repeats and re-alleges the foregoing paragraphs as if fully set
12 forth herein.

13 69. FPM is the legal and beneficial owner of the United States copyright
14 in all rights, titles, and interests in the sound recordings and musical compositions
15 listed in Exhibit A attached hereto.

16 70. FPM has never authorized CNN Chile or CNN Philippines, by license
17 or otherwise, to copy, reproduce or exploit in any manner any of the Works.

18 71. Each of the Works infringed upon have been duly registered with the
19 U.S. Copyright Office, and registration numbers for the Works are identified in
20 Exhibit A.

21 72. Defendant CNN Philippines willfully exploited at least seventy-three
22 (73) of the Works at least 169 times. The infringing content containing the Works
23 has been viewed thousands of times, at minimum.

24 73. Defendant CNN Chile willfully exploited at least three (3) Works at
25 least nineteen (19) times. The Works have been viewed thousands of times, at
26 minimum.

1 74. As discussed herein, CNN Chile and CNN Philippines had access to
2 the Works and because the uses are a direct copying, the similarities are identical.

3 75. CNN Chile and CNN Philippines knowingly exploited the Works
4 without any authorization to do so.

5 76. CNN Chile's and CNN Philippines' conduct, at all times relevant to
6 this Action, has been targeted, knowing, willful, and with complete disregard to
7 FPM's rights. CNN Chile and CNN Philippines understood the FPM licensing
8 process yet willfully chose to continue to exploit the Works over the course of
9 several years without obtaining the necessary licenses and making the required
10 payments. CNN Chile and CNN Philippines obtained significant profit, and further
11 prestige through the unauthorized use of the Works, which were all central to the
12 segments on which they appeared. CNN Chile and CNN Philippines would not
13 have massively and prominently used the Works as they did if that were not the
14 case.

15 77. As a proximate cause of CNN Chile's and CNN Philippines' wrongful
16 conduct, FPM has been irreparably harmed and suffered actual damages including
17 lost profits and licensing fees, and diminution of the value of the copyrights in the
18 Works.

19 78. Pursuant to 17 U.S.C. § 504(b), FPM is entitled to damages and
20 Defendants' profits, in an amount to be proven at trial.

21 79. Pursuant to 17 U.S.C. § 504(c), FPM is alternatively entitled to the
22 maximum amount of statutory damages, \$150,000.00, for willful copyright
23 infringement of each registered Work from the entity which unlawfully exploited
24 them.

25 80. As a direct and proximate result of CNN Chile's and CNN
26 Philippines' conduct, FPM has incurred attorneys' fees and costs which are
27 recoverable pursuant to 17 U.S.C. § 505.

1 81. CNN Chile’s and CNN Philippines’ conduct has caused, is continuing
2 to cause, and will further cause great damage to FPM, which damages cannot be
3 accurately measured in monetary terms, and therefore, unless enjoined by the
4 Court, FPM will suffer irreparable injury, for which FPM is without adequate
5 remedy at law. Accordingly, FPM is entitled to a permanent injunction pursuant to
6 17 U.S.C. § 502 following judgment, prohibiting further infringement,
7 reproduction, distribution, sale, public performance, other use, or exploitation of
8 the Works.

9
10 **VICARIOUS COPYRIGHT INFRINGEMENT AGAINST CNN**

11 82. Plaintiff repeats and re-alleges the foregoing paragraphs as if fully set
12 forth herein.

13 83. CNN is vicariously liable for all infringement by CNN Chile, CNN
14 Philippines, CNN Indonesia, CNN-News18, CNN International and Great Big
15 Story alleged herein because, as discussed in detail above, it had and has both the
16 right and ability to supervise those entities and their infringing conduct and because
17 CNN had a direct and substantial financial interest in the infringing conduct.

18 84. By reasons of CNN’s acts of vicarious infringement as alleged above,
19 FPM has been irreparably harmed and suffered and will continue to suffer actual
20 harm, including lost profits and licensing fees.

21 85. Pursuant to 17 U.S.C. § 504(b), FPM is entitled to damages, including
22 CNN’s profits, in an amount to be proven at trial. CNN has obtained direct financial
23 benefits they would otherwise not have realized but for the infringement of the
24 Works. As such, FPM is entitled to disgorgement of CNN’s profits directly and
25 indirectly attributable to CNN’s infringement of the Works.

