

09 CIV 10105

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMI BLACKWOOD MUSIC, INC., a Connecticut Corporation; EMI APRIL MUSIC, INC., a Connecticut Corporation; EMI VIRGIN MUSIC, INC., a New York Corporation; COLGEMS-EMI MUSIC, INC., a Delaware Corporation; EMI VIRGIN SONGS, INC., a New York Corporation; EMI GOLD HORIZON MUSIC CORP., a New York Corporation; EMI U CATALOG, INC., a New York Corporation; EMI UNART CATALOG INC., a New York Corporation; JOBETE MUSIC CO., INC., a Michigan Corporation; and STONE DIAMOND MUSIC CORPORATION, a Michigan Corporation,

Plaintiffs,

v.

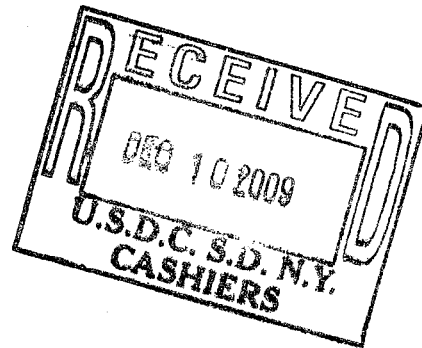
VIMEO, LLC d/b/a VIMEO.COM, a Delaware Limited Liability Company; CONNECTED VENTURES, LLC, a Delaware Limited Liability Company, and DOES 1-20, inclusive,

Defendants.

CASE NO.

COMPLAINT FOR DIRECT, CONTRIBUTORY, AND VICARIOUS COPYRIGHT INFRINGEMENT, AND INDUCEMENT TO INFRINGE COPYRIGHT

DEMAND FOR JURY TRIAL



Plaintiffs, by their attorneys Mitchell Silberberg & Knupp LLP, for their Complaint against Defendants Vimeo, LLC d/b/a Vimeo.com, Connected Ventures, LLC, and Does 1-20 ("Defendants"), aver, upon knowledge as to their own acts and upon information and belief as to the acts of others, as follows:

PRELIMINARY STATEMENT

1. Plaintiffs are music publishing companies and the owners of copyrights and related exclusive rights in musical compositions. Plaintiffs (all of which are companies affiliated with the EMI Music Group) collectively own some of the most well-known and successful

musical compositions in the world. Plaintiffs bring this action to obtain redress for massive and knowing infringement of their copyrighted musical compositions by Defendants.

2. Vimeo LLC (“Vimeo”) is the owner of the website located at the Uniform Resource Locator (“URL”) www.vimeo.com (the “Vimeo website”). Vimeo is a popular and well-financed video- and music-“sharing” website that profits by using audiovisual works, including audiovisual works featuring Plaintiffs’ copyrighted musical compositions. Vimeo induces and encourages its users to upload to the Vimeo website these audiovisual works, and Vimeo then copies, adapts, publicly performs, distributes, and otherwise disseminates to the public these audiovisual works, all of which can be viewed or downloaded by anyone with an Internet connection (and a free, anonymous Vimeo membership) with a simple mouse click, and then further distributed virally throughout the Internet. Vimeo uses these works, including those featuring Plaintiffs’ copyrighted musical compositions, to populate its commercial website and to attract members. Vimeo also actively participates, including through its own staff, in making, selecting, commenting on, and at times choosing to delete the audiovisual works that comprise the Vimeo website. Vimeo claims to have over two million members (many of whom pay a yearly \$59.95 membership fee). Among the audiovisual works copied, adapted, publicly performed, and distributed by Vimeo are numerous copies of Plaintiffs’ musical compositions. Plaintiffs never have authorized the exploitation of their copyrighted works by Vimeo.

3. The use of Plaintiffs’ original, copyrighted musical compositions on Vimeo’s website is not an accident. Vimeo’s stated policy (expressed by its own staff member) is that “our website is about original videos, *not* original music” (emphasis added). As a result, the Vimeo website contains a massive amount of content that features, and draws most (if not all) of its appeal from, the use of copyrighted musical works. Indeed, the use of copyrighted music is integral to the success of the Vimeo website. Among such audiovisual works are official music videos, live concert footage, videos consisting entirely of individuals “lip-synching” musical

compositions (also known as “lip dubs,” a phrase coined by Vimeo and a practice encouraged by Vimeo and its staff), and videos featuring prominent musical soundtracks.

4. Vimeo not only is aware of the copyright infringement taking place on its system, but actively promotes and induces that infringement, including by showcasing audiovisual works containing Plaintiffs’ musical compositions, by encouraging users to embody copyrighted musical compositions in their works, by providing users with the tools to perform and disseminate such works, by providing commentary and feedback on uploaded videos, and by refusing to filter or block videos using copyrighted musical compositions. As one Vimeo staff member advised users: “You can use the music, there are ton’s [sic] of videos on here with music.”

5. The reproduction, adaptation, public performance, and distribution of Plaintiffs’ musical compositions by Vimeo are precisely the types of commercial uses licensed by Plaintiffs to, for example, television shows and other Internet services. However, unlike those licensed uses, Vimeo has never obtained the consent of Plaintiffs to use their works or paid Plaintiffs any compensation.

6. By filing this lawsuit, Plaintiffs are not seeking to stifle creativity or preclude members of the public from creating original, lawful audiovisual works. Rather, this lawsuit is about a commercial, for-profit venture that has built a business by reproducing, adapting, performing, and distributing works that it knows contain Plaintiffs’ copyrighted musical compositions, and then knowingly profiting from the draw created by making these works available for free to millions of its users.

JURISDICTION AND VENUE

7. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act, 17 U.S.C. § 101 et seq.

8. This Court has subject matter jurisdiction over Plaintiffs' claims for copyright infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. This Court has personal jurisdiction over Defendants in that, among other things, Defendants have their principal place of business in, and are doing business in, the State of New York and in this District. As such, Defendants are engaged in tortious conduct within the State of New York, including by copying, adapting, publicly performing, and distributing Plaintiffs' copyrighted musical compositions. Additionally, Defendants' conduct causes injury to Plaintiffs and their intellectual property within the State of New York, and Defendants (a) regularly do or solicit business in the State of New York, (b) engage in a persistent course of conduct in the State of New York, (c) derive substantial revenue from goods used or services provided to consumers located in the State of New York, (d) expect or should reasonably expect their acts to have consequences in the State of New York, and (e) derive substantial revenue from interstate commerce.

10. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(c) and 1400(a), in that Defendants are subject to personal jurisdiction and may be found in this District.

THE PARTIES

11. EMI Blackwood Music, Inc., is a corporation duly organized and existing under the laws of the State of Connecticut, with its principal place of business in New York, New York.

12. EMI April Music, Inc., is a corporation duly organized and existing under the laws of the State of Connecticut, with its principal place of business in New York, New York.

13. EMI Virgin Music, Inc., is a corporation duly organized and existing under the laws of the State of New York, with its principal place of business in New York, New York.

14. Colgems-EMI Music, Inc., is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in New York, New York.

15. EMI Virgin Songs, Inc., is a corporation duly organized and existing under the laws of the State of New York, with its principal place of business in New York, New York.

16. EMI Gold Horizon Music Corp., is a corporation duly organized and existing under the laws of the State of New York, with its principal place of business in New York, New York.

17. EMI U Catalog, Inc., is a corporation duly organized and existing under the laws of the State of New York, with its principal place of business in New York, New York.

18. EMI Unart Catalog Inc. is a corporation duly organized and existing under the laws of the State of New York, with its principal place of business in New York, New York.

19. Jobete Music Co., Inc., is a corporation duly organized and existing under the laws of the State of Michigan, with its principal place of business in New York, New York.

20. Stone Diamond Music Corporation is a corporation duly organized and existing under the laws of the State of Michigan, with its principal place of business in New York, New York.

21. Plaintiffs are in the business of acquiring, owning, publishing, administering, licensing, and otherwise exploiting copyrights in musical compositions. Plaintiffs invest money, time, effort, and creative talent to acquire, administer, publish, license, and otherwise exploit such copyrights, on their own behalf and on behalf of songwriters and other music publishers with whom they have contractual relationships. Plaintiffs own or administer (in whole or in part) copyrights and/or exclusive rights in and to musical compositions (the "Musical Compositions"), including by way of example those compositions identified on Schedule A hereto, incorporated herein by reference. Plaintiffs have obtained Certificates of Copyright Registration in each of the Musical Compositions, including but not limited to those identified on Schedule A. As the owners or exclusive administrators of copyrights in these Musical Compositions, Plaintiffs possess the exclusive rights, among other things, to reproduce the Musical Compositions in copies or phonorecords, to adapt the Musical Compositions, to distribute copies or phonorecords of the Musical Compositions to the public, to perform the Musical Compositions publicly, and to authorize or license these exclusive rights including on television and over the Internet.

22. Vimeo is a Limited Liability Company organized and existing under the laws of the State of Delaware, with its principal place of business in New York, New York. Plaintiffs are informed and believe, and on that basis aver, that Vimeo is the successor-in-interest to Connected Ventures LLC, a Delaware Limited Liability Company, with respect to the Vimeo website, and both have engaged in the acts and conduct herein set forth. (Reference herein to "Vimeo" includes, as appropriate, its predecessor-in-interest.) Vimeo purports to be a video-sharing network and Internet "community," but in fact it is a commercial business that encourages and assists its users to create, upload, download, distribute, and view a variety of

audiovisual works, including works that feature or contain Plaintiffs' Musical Compositions. In doing so, Vimeo, among other activities, copies the audiovisual works (containing Plaintiffs' musical compositions) to its own server, makes additional copies of works to facilitate its performance and distribution, and publicly performs and distributes the audiovisual works.

23. The true names and capacities, whether individual, corporate, associate, or otherwise, of defendants sued herein as Does 1 through 20, inclusive, are unknown to Plaintiffs, which sue said defendants by such fictitious names (the "Doe Defendants"). If necessary, Plaintiffs will seek leave to amend this complaint to state their true names and capacities. Plaintiffs are informed and believe, and on that basis aver, that the Doe Defendants are liable to Plaintiffs as a result of their participation in all or some of the acts herein set forth. (Vimeo and the Doe Defendants collectively are referred to as "Defendants.")

24. Plaintiffs are informed and believe, and on that basis aver, that at all times mentioned in this complaint, each of the Defendants was the agent of each of the other Defendants and, in doing the things averred in this complaint, was acting within the course and scope of such agency.

FACTS APPLICABLE TO ALL CLAIMS

25. As an integral part of the business and commercial appeal of the Vimeo website, Vimeo copies, adapts, publicly performs, distributes, and provides technology and services that induce and enable others to copy, adapt, publicly perform, and distribute, video and audio content, including music, over the Internet. Vimeo aggregates this content, including Plaintiffs' musical compositions, and performs and/or distributes this content via a commercial website to any member of the public with an Internet connection. Vimeo profits from these activities by pairing this content with advertisements, by charging users for "premium" memberships, and by selling merchandise to its users.

26. Vimeo typically makes at least two copies of each uploaded audiovisual work, including those embodying complete or virtually complete copies of Plaintiffs' Musical Compositions. The first copy contains the work as uploaded; the second copy contains the same work "transcoded" so as to be more accessible and easily performed or distributed to and by its users. The audiovisual work then is indexed by Vimeo and made available to the public. On demand, visitors to the Vimeo website may access such audiovisual works, which are publicly performed by Vimeo by means of a "streaming" transmission. Vimeo also enables members of the public to "share" (via e-mail) these audiovisual works and "embed" these works (via an "in-line" link) on a third party website. In addition, to its registered users, Vimeo makes available and distributes by download (from the Vimeo server) complete copies of audiovisual works uploaded to Vimeo, which then may be e-mailed, distributed on peer-to-peer networks, or otherwise virally disseminated throughout the Internet. Representative samples of Plaintiffs' Musical Compositions that have been unlawfully copied, publicly performed, and distributed via these audiovisual works are those identified on Schedule A.

27. Vimeo offers anonymous memberships for free to its website and online services. Vimeo also offers paid premium memberships to its website (known as "Vimeo Plus") for \$59.95 per year. Even without registering, any visitor to the Vimeo website can view and listen to most of the uploaded audiovisual works in their entirety, including those containing Plaintiffs' Musical Compositions. Once a user creates a membership account with Vimeo (free or paid), that user then may engage in a variety of additional activities, including uploading digital media files to the Vimeo server and website, creating or "subscribing to" (i.e., receiving regular updates from) "Groups" and "Channels" dedicated to certain types of audiovisual works (and music), downloading from Vimeo servers audiovisual works created by other users, distributing those works virally over the Internet, designating certain uploaded works as "private" or password protected, and posting comments and messages to the Vimeo message boards and discussion groups.

28. Vimeo differs from certain other “video-sharing” websites, including by taking an active and pervasive role in its user “community.” Among other things, Vimeo employs staff members whose role is to act as community liaisons. In that role, Vimeo staff members (identified on the Vimeo website as “Staff”), provide their own videos (including those containing Plaintiffs’ Musical Compositions), contribute to community discussions, review and comment on posted videos (including by tagging certain videos as “likes”), select videos to be featured and showcased as “Staff Picks,” create “Groups” and “Channels,” assist users with technical and creative issues, and decide to delete certain videos. The Vimeo website is much more than a place for users to store audiovisual works. As one of the Vimeo Staff explained, “*we’re not a hosting service*; we’re a sharing service.... We want users who will contribute to Vimeo and our community, not just use our service to host their videos for free” (emphasis added).

29. While Vimeo’s materials tout its commitment to “original” content, its view of what is “original” is narrow and self-serving. While Vimeo claims to have no tolerance for the posting of preexisting video content, it not only freely and readily permits, but actively encourages, its users to post audiovisual works that feature, contain, or even consist entirely of preexisting *musical works*, including Plaintiffs’ Musical Compositions. These include, among other things, audiovisual works consisting entirely of unlicensed concert footage embodying the performance of Plaintiffs’ Musical Compositions and videos which use copyrighted musical works in the foreground of the work or synchronized with images such as animation, photographs, drawings, or other video footage. In all of these audiovisual works, the music is not incidental; it generally is comprised of the entirety of the musical work deliberately and carefully synchronized into the video in order to provide a focal point and appeal for the content. Many of these videos are equivalent to television programs or independent films, with music synchronized with the dialog or the visual material. Others are simply an entire musical work “mouthed” (i.e., lip synched) by the individuals in the video. Others are the equivalent of music

videos, in which the entire audiovisual work is focused on the musical work. (Vimeo even has provided Plaintiffs' Musical Compositions by performing videos that consist of nothing more than a "record player" playing a commercial recording that embodies these compositions.)

30. One of the most prevalent and popular types of audiovisual works provided by the Vimeo website is the so-called "lip dub" video. Plaintiffs are informed and believe, and on that basis aver, that "lip dub" is a term coined by Vimeo's founder, Jakob Lodwick, who has himself made, and encouraged the making of, "lip-dubs" that infringe copyrighted musical compositions. A "lip dub" video is a video that is comprised of footage of an individual (or individuals) "lip-synching" the entirety of a popular musical composition. Including on its home page, Vimeo has advised its users to create "lip dubs" by digitally inserting and synchronizing recordings embodying copyrighted musical compositions into video footage during editing. (E.g., "Shoot yourself mouthing along to a song. Then sync it with a high quality copy of the song in an editing program.") This ensures that the music that accompanies the "lip dub" video, which virtually always is copied directly from a commercial recording, is high-quality, of substantial volume, and is the focal point of the audiovisual work. Vimeo otherwise encourages and induces the making and uploading of lip dubs, and, indeed, Vimeo's own staff members have created "lip dubs" that infringe Plaintiffs' Musical Compositions.

31. Vimeo has extensive knowledge of the use of copyrighted musical compositions on its website, and Vimeo encourages and induces its users to copy, adapt, and upload copyrighted musical compositions, including Plaintiffs' Musical Compositions. It does so in a number of ways, including:

(a) Vimeo Staff itself has created and disseminated audiovisual works embodying Plaintiffs' Copyrighted Musical Compositions.

(b) Vimeo showcases certain audiovisual works containing copyrighted musical compositions, including Plaintiffs' Musical Compositions, by including them among its "Staff Picks" or "Featured" videos. Further, Vimeo staff members frequently review and comment on audiovisual works uploaded by Vimeo members, including audiovisual works containing copyrighted musical compositions. Plaintiffs are informed and believe, and on that basis aver, that Vimeo Staff also monitor Vimeo discussion groups, communicate frequently with Vimeo users, and implicitly or explicitly encourage and authorize Vimeo users to include and provide to Vimeo copyrighted musical compositions in their audiovisual works, including by engaging in "group" projects organized by Vimeo.

(c) Vimeo has created (or encouraged its users to create) "Channels" and "Groups" dedicated to showcasing music videos, including those containing Plaintiffs' Musical Compositions. Vimeo users have created Channels specifically dedicated to showcasing concert footage of particular artists or videos set to the music of particular artists. Several prominent Channels are dedicated entirely to "lip dub" videos, which by definition involve the exact copying of pre-existing musical compositions. Vimeo has selected certain music-based channels, including channels devoted to "lip dubs" of copyrighted musical compositions, among its "Featured Channels" (sometimes also referred to as channels "We Like" or "Vimeo Obsessions"). Plaintiffs are informed and believe, and on that basis aver, that many of these Channels are visited by Vimeo Staff or community moderators.

(d) Many videos and Channels are readily identifiable as containing Plaintiffs' Musical Compositions. Typically, at least one (and frequently several) of the following is present: (1) the title of the Musical Composition and/or name of the recording artist performing the Musical Composition is used as the title of the video file; (2) the description of the file includes information identifying the composition and/or performer; (3) the file has been designated with "keywords" that specifically reference the composition and/or performer; and/or

(4) the video is displayed with a “thumbnail” image consisting of a screenshot that clearly displays that the video contains Plaintiffs’ Musical Compositions. These include famous musical compositions known to the public generally, and Vimeo specifically, to be owned by music publishers, including Plaintiffs. However, Vimeo has expressed to its members that it will not remove videos containing copyrighted musical works unless it receives a formal take-down request (by which time the infringing work has been made available to all Vimeo users and for copying and further distribution by all Vimeo members). Even after receiving notice, Vimeo does nothing to remove other copies of the same musical compositions or to prevent them from being replaced, copied on Vimeo’s servers, and again made available to its users. In so doing, Vimeo conveys to its users that it tolerates the use of copyrighted music and will not engage in policing of its system with respect to music (as opposed to the regular policing it claims to engage in with respect to other types of content).

(e) Vimeo is well aware of the nature of copyrights generally, purports to obtain “licenses” from its members to copy, perform, and distribute audiovisual works, and takes steps to protect its own intellectual property rights. Vimeo specifically is aware of the fact that Plaintiffs own copyrights in musical compositions and that such rights must be licensed or authorized by the copyright owners for the precise uses made by Vimeo without license or authorization. Moreover, Vimeo’s parent company, IAC (and its subsidiary, Mindspark Interactive Network, Inc., which owns Vimeo), own and manage numerous companies engaged in the exploitation of intellectual property, such as dating website Match.com, the online “virtual world” Zwinky, web “personalization” site “Webfetti,” online greeting card sites MyFunCards.com and CardBoiled.com, and many other Internet websites and online businesses.

32. Although Plaintiffs have notified Vimeo of a representative sample of Plaintiffs’ Musical Compositions that were being infringed, additional copies of many of the same works continue to be made available on and by Vimeo. Vimeo claims to take active steps to filter and

remove content that it views as professionally created or that is comprised of preexisting works (e.g., movies, television programs). On the other hand, Vimeo refuses to implement and use available simple measures, including filtering technology, to avoid the continued and ongoing infringement of Plaintiffs' Musical Compositions.

33. Vimeo directly financially benefits from its infringing conduct. Vimeo earns revenue from various forms of advertising. This includes "banner" and "sponsored link" advertising that is placed on webpages containing infringing music. Some advertisements used by Vimeo also are keyword driven and targeted to the music used. Vimeo also benefits financially from the sale of premium Vimeo Plus memberships and from the sale of merchandise. Finally, Vimeo financially benefits from the overall increase in user traffic and commercial value of its business arising from the "draw" of the availability on its website of videos containing Plaintiffs' Musical Compositions.

34. Vimeo has the legal right and ability to control and limit the infringing activities on its website. All members of Vimeo agree to be bound by "Terms of Service," which, among other things, permit Vimeo to terminate a user's access to its website. Vimeo at all times possesses absolute control with respect to access to the Vimeo website. Vimeo also has the practical ability to control and limit the content on its website. All digital content contained on the Vimeo website is copied and indexed by Vimeo and stored on a server controlled by Vimeo. Vimeo claims it routinely monitors the videos uploaded to its website to ensure that such videos are comprised of amateur or user-made content, do not contain pornographic content, and comply with other "community guidelines." Vimeo removes those videos that do not comply. Vimeo Staff also review the audiovisual works to select their "Staff Picks," which include works embodying Plaintiffs' Musical Compositions. However, Vimeo deliberately does not remove or delete audiovisual works that it knows contain copyrighted musical compositions. To the contrary, Vimeo (and its Staff) openly encourage and/or tolerate the use of copyrighted music by

Vimeo users, thereby conveying that the Vimeo website is a “safe haven” for such material and allowing the proliferation of infringing works on the Vimeo website.

COUNT I
DIRECT COPYRIGHT INFRINGEMENT

35. Plaintiffs incorporate by this reference each and every averment contained in paragraphs 1 through 34, inclusive.

36. Defendants have infringed Plaintiffs’ copyrights in the Musical Compositions by reproducing, adapting, distributing, and/or publicly performing the Musical Compositions without authorization, in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

37. Each such infringement by Defendants of the Musical Compositions constitutes a separate and distinct act of infringement.

38. Defendants’ acts of infringement were willful, in disregard of, and with indifference to, the rights Plaintiffs.

39. As a direct and proximate result of the infringements by Defendants, Plaintiffs are entitled to damages and to Defendants’ profits in amounts to be proven at trial which are not currently ascertainable. Alternatively, Plaintiffs are entitled to maximum statutory damages of \$150,000 for each copyright infringed, or in such other amount as may be proper under 17 U.S.C. § 504(c).

40. Plaintiffs further are entitled to their attorneys’ fees and full costs pursuant to 17 U.S.C. § 505.

41. As a result of Defendants' acts and conduct, Plaintiffs have sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Plaintiffs are informed and believe, and on that basis aver, that unless enjoined and restrained by this Court, Defendants will continue to infringe their rights in the Musical Compositions. Plaintiffs are entitled to injunctive relief to restrain and enjoin Defendants' continuing infringing conduct.

COUNT II

CONTRIBUTORY COPYRIGHT INFRINGEMENT

42. Plaintiffs incorporate by this reference each and every averment contained in paragraphs 1 through 34, inclusive.

43. The aforementioned activities by Defendants' users constitute infringements of copyrights in Plaintiffs' Musical Compositions, including Plaintiffs' exclusive rights of reproduction, distribution, adaptation, and public performance, 17 U.S.C. §§ 106 and 501.

44. Defendants have, with knowledge, materially contributed to unauthorized reproductions, adaptations, distributions, and/or public performances of Plaintiffs' Musical Compositions by Defendants' users, including by failing and refusing to take simple measures to limit or curtail such infringing activity, and thus Defendants have contributed to or caused the infringement of Plaintiffs' copyrights.

45. Each such infringement by Defendants' users of Plaintiffs' Musical Compositions constitutes a separate and distinct act of infringement.

46. Defendants' acts of infringement were willful, in disregard of and with indifference to the rights of Plaintiffs.

47. As a direct and proximate result of the infringements by Defendants, Plaintiffs are entitled to damages and to Defendants' profits in amounts to be proven at trial which are not currently ascertainable. Alternatively, Plaintiffs are entitled to maximum statutory damages of \$150,000 for each copyright infringed, or in such other amount as may be proper under 17 U.S.C. § 504(c).

48. Plaintiffs further are entitled to their attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

49. As a result of Defendants' acts and conduct, Plaintiffs have sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Plaintiffs are informed and believe, and on that basis aver, that unless enjoined and restrained by this Court, Defendants will continue to infringe Plaintiffs' rights in the Musical Compositions. Plaintiffs have no adequate remedy at law. Plaintiffs are entitled to injunctive relief to restrain and enjoin Defendants' continuing infringing conduct.

COUNT III

VICARIOUS COPYRIGHT INFRINGEMENT

50. Plaintiffs incorporate by this reference each and every averment contained in paragraphs 1 through 34, inclusive.

51. The aforementioned activities by Defendants' users constitute infringements of copyrights in Plaintiffs' Musical Compositions, including Plaintiffs' exclusive rights of reproduction, distribution, adaptation, and public performance. 17 U.S.C. §§ 106 and 501.

52. Defendants have the right and ability to supervise and control the infringing conduct of their users. Defendants have refused to exercise such supervision and control to limit infringement to the extent required by law. As a direct and proximate result of such refusal, Defendants' users have infringed the Plaintiffs' copyrights in the Musical Compositions, including by reproducing, distributing, adapting, and publicly performing the Musical Compositions.

53. Defendants derive a direct financial benefit from this infringement, including but not limited to, from advertising revenue, from paid subscriptions, from the sale of merchandise through the Vimeo website, and from the increased user traffic and increase in value of Defendants' businesses arising from the "draw" of Plaintiffs' Musical Compositions.

54. Each such infringement by Defendants' users of Plaintiffs' Musical Compositions constitutes a separate and distinct act of infringement.

55. Defendants' acts of infringement were willful, in disregard of, and with indifference to, the rights of Plaintiffs.

56. As a direct and proximate result of the infringements by Defendants, Plaintiffs are entitled to damages and to Defendants' profits in amounts to be proven at trial which are not currently ascertainable. Alternatively, Plaintiffs are entitled to maximum statutory damages of \$150,000 for each copyright infringed, or in such other amount as may be proper under 17 U.S.C. § 504(c).

57. Plaintiffs further are entitled to their attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

58. As a result of Defendants' acts and conduct, Plaintiffs have sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Plaintiffs are informed and believe, and on that basis aver, that unless enjoined and restrained by this Court, Defendants will continue to infringe their rights in the Musical Compositions. Plaintiffs have no adequate remedy at law. Plaintiffs are entitled to injunctive relief to restrain and enjoin Defendants' continuing infringing conduct.

COUNT IV

INDUCEMENT TO INFRINGE COPYRIGHT

59. Plaintiffs incorporate by this reference each and every averment contained in paragraphs 1 through 34, inclusive.

60. Defendants have actively encouraged and induced Vimeo users to engage in copyright infringement, including among other things, by providing to them the tools to infringe, instructions to infringe, and the ability to infringe anonymously. Additionally, Defendants have designed the Vimeo website and service, and promoted the use of the Vimeo website, to infringe copyrighted works, including Plaintiffs' Musical Compositions. As a direct and proximate result of such inducement, Defendants' users have infringed copyrights in Plaintiffs' Musical Compositions, including by reproducing, adapting, distributing, and publicly performing Plaintiffs' Musical Compositions.

61. Each such infringement by Defendants' users of the Musical Compositions, contributed to or induced by Defendants, constitutes a separate and distinct act of infringement.

62. Defendants' acts of infringement were willful, in disregard of and with indifference to the rights of Plaintiffs.

63. As a direct and proximate result of the infringements by Defendants, Plaintiffs are entitled to damages and to Defendants' profits in amounts to be proven at trial which are not currently ascertainable. Alternatively, Plaintiffs are entitled to maximum statutory damages of \$150,000 for each copyright infringed, or in such other amount as may be proper under 17 U.S.C. § 504(c).

64. Plaintiffs further are entitled to their attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

65. As a result of Defendants' acts and conduct, Plaintiffs have sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Plaintiffs are informed and believe, and on that basis aver, that unless enjoined and restrained by this Court, Defendants will continue to infringe their rights in the Musical Compositions. Plaintiffs have no adequate remedy at law. Plaintiffs are entitled to injunctive relief to restrain and enjoin Defendants' continuing infringing conduct.

WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, jointly and severally, as follows:

1. For Defendants' profits and for damages in such amount as may be found; alternatively, for maximum statutory damages in the amount of \$150,000 with respect to each copyrighted work infringed, or for such other amount as may be proper pursuant to 17 U.S.C. § 504(c).

2. For injunctive relief enjoining Defendants, and each of them, and their respective agents, servants, employees, officers, successors, licensees and assigns, and all persons acting in concert or participation with each or any of them, from: (i) directly or indirectly infringing in any manner any of Plaintiffs' respective copyrights (whether now in existence or hereafter created), including without limitation, Plaintiffs' Musical Compositions listed on Schedule A; and (ii) from causing, contributing to, participating in, inducing, or enabling, the infringement of any of Plaintiffs' respective copyrights, including without limitation, Plaintiffs' Musical Compositions listed on Schedule A.


3. For prejudgment interest according to law.

4. For Plaintiffs' attorneys' fees and full costs.

5. For such other and further relief as the Court may deem just and proper.

DATED: December 10, 2009
New York, New York

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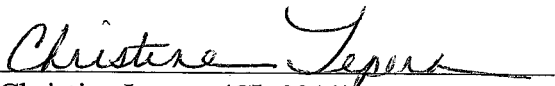
Attorneys for Plaintiffs

JURY DEMAND

Plaintiffs EMI Blackwood Music, Inc., EMI April Music, Inc., EMI Virgin Music, Inc., Colgems-EMI Music, Inc., EMI Virgin Songs Inc., EMI Gold Horizon Music Corp., EMI U Catalog, Inc., EMI Unart Catalog Inc., Jobete Music Co., Inc., and Stone Diamond Music Corporation, demand a trial by jury.

DATED: December 10, 2009
New York, New York

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SCHEDULE A

Schedule A
 Representative Infringements of Plaintiffs' Copyrighted Musical Compositions

COMPOSITION TITLE	WRITERS	EXAMPLE ARTIST	PLAINTIFF	REGISTRATION NUMBER	REGISTRATION DATE	VIMEO URL
A Milli	CRAWFORD, SHONDRAE L / CARTER, DWAYNE / FAREED, KAMAL IBN JOHN / JONES- MUHAMMAD, ALI SHAHEED	Lil Wayne	EMI April Music, Inc.	PA 1-646-370	10/15/2009	http://www.vimeo.com/3984800
ABC	MIZELL, ALPHONSO J / PERREN, FREDDIE / LUSSIER, DENNIS / GORDY, BERRY JR	Jackson 5	Jobete Music Co., Inc.	EP 0-270-975 PA 1-062-025 (CA to PA 957-349)	2/27/1970	http://www.vimeo.com/5525608
Adam's Song	DE LONGE, TOM / HOPPUS, MARK	Blink 182	EMI April Music, Inc.	EP 0-216-556 RE 0-673-574	12/28/1999	http://www.vimeo.com/6012077
Ain't Too Proud to Beg	WHITFIELD, NORMAN J. / HOLLAND, EDWARD, JR.	The Temptations	Jobete Music Co., Inc.	PA 1-062-025	5/2/1966	http://www.vimeo.com/1782268
All the Small Things	DE LONGE, TOM / HOPPUS, MARK	Blink 182	EMI April Music, Inc.	PA 1-062-025	9/23/1994	http://www.vimeo.com/1889583
Always Be My Baby	DUPRI, JERMAINE / SEAL, MANUEL LONNIE / CAREY, MARIAH	Mariah Carey	EMI April Music, Inc.	PA 0-767-331	12/5/1995	http://www.vimeo.com/5373444
Are You In?	BOYD, BRANDON CHARLES / EINZIGER, MICHAEL AARON / KATUNICH, ALEX / PASILLAS, JOSE ANTHONY II	Incubus	EMI April Music, Inc.	PA 1-068-162 PA 1-038-508 (CA)	12/5/2001 3/1/2002	http://www.vimeo.com/1213764
B.O.B.	SHEATS, DAVID A / PATTON, ANTWAN / BENJAMIN, ANDRE	Outkast	EMI April Music, Inc.	PA 1-039-708	1/30/2001	http://www.vimeo.com/2678194
Bat Country	SANDERS, MATTHEW CHARLES / SULLIVAN, JAMES OWEN / HANER, JR., BRIAN ELWIN / BAKER, ZACHARY JAMES	Avenged Sevenfold	EMI April Music, Inc.	PA 1-162-004	6/27/2005	http://www.vimeo.com/4957139
Beast and the Harlot	SANDERS, MATTHEW CHARLES / SULLIVAN, JAMES OWEN / HANER, JR., BRIAN ELWIN / BAKER, ZACHARY JAMES	Avenged Sevenfold	EMI April Music, Inc.	PA 1-162-005	6/27/2005	http://www.vimeo.com/269940
Because of You	CLARKSON, KELLY / HODGES, DAVID / MOODY, BEN	Kelly Clarkson	EMI Blackwood Music, Inc.	PA 1-161-120	4/27/2005	http://www.vimeo.com/1437698
Big Poppa	WALLACE, CHRISTOPHER / ISLEY, RONALD / ISLEY, RUDOLPH / ISLEY, O'KELLY / ISLEY, ERNIE / ISLEY, MARVIN	Notorious B.I.G.	EMI April Music, Inc.	PA 843-562	6/24/1996	http://www.vimeo.com/4748003
Body Movin'	DIAMOND, MICHAEL LOUIS / YAUCH, ADAM / HOROVITZ, ADAM KEEFE / PUENTE, TITO	Beastie Boys	EMI Virgin Music, Inc.	EP 0-173-704 (Underlying Work) RE 0-523-882 PA 0-756-569 (New Work)	EP 3/22/1963 RE 2/6/1991 PA 2/5/1999	http://www.vimeo.com/1281945

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Boston	LAYUS, DANIEL / PALOMAR, JARED / ROZENCWAJG, JOSIAH / SOUTH, JUSTIN	Augustana	EMI April Music, Inc.	PA 1-162-841	12/2/2005	http://www.vimeo.com/3877310
Buffalo Soldier	WILLIAMS, NOEL / MARLEY, BOB	Bob Marley	EMI Virgin Music, Inc.	PA 0-198-296 PA 0-725-627 PAU 0-492-275 PAU 0-543-476	11/21/1983 8/1/1994 (CA) 3/28/1983 8/19/1983 (CA)	http://www.vimeo.com/3998735
Burn	RAYMOND, USHER / DUPRI, JERMAINE / COX, BRYAN MICHAEL PAUL	Usher	EMI April Music, Inc.	PA 1-159-079	4/16/2004	http://www.vimeo.com/3096691
But It's Better If You Do	URIE, BRENDON / ROSS, RYAN / SMITH, SPENCER / WILSON, BRENT	Panic at the Disco	EMI April Music, Inc.	PA 1-162-936	12/12/2005	http://www.vimeo.com/4186779
Camisado	URIE, BRENDON / ROSS, RYAN / SMITH, SPENCER / WILSON, BRENT	Panic At The Disco	EMI April Music, Inc.	PA 1-162-937	12/12/2005	http://www.vimeo.com/4403667
Can't Knock The Hustle	CARTER, SHAWN C / MILLER, MARCUS / MORGAN, MELISA / WILSON, LESETTE DENISE	Jay-Z	EMI Blackwood Music, Inc.	PA 1-072-927	5/17/2002	http://www.vimeo.com/3304792
Cherry Pie	OSWALD, JOHN / CAGLE, JOEY / DIXON, JERRY / CHAMBERLIN, STEVEN / TURNER, ERIC	Warrant	EMI Virgin Songs, Inc.	PA 0-510-151	11/27/1990	http://www.vimeo.com/5001419
Come Away With Me	JONES, NORAH	Norah Jones	EMI Blackwood Music, Inc.	PA 1-084-684	7/15/2002	http://www.vimeo.com/1928527
Crazy in Love	HARRISON, RICH / CARTER, SHAWN / KNOWLES, BEYONCE / RECORDS, EUGENE	Beyonce	EMI Blackwood Music, Inc.	PA 1-131-132	7/9/2003	http://www.vimeo.com/3012923
Dirt Off Your Shoulder	CARTER, SHAWN C / MOSLEY, TIMOTHY Z	Jay-Z	EMI April Music, Inc.	PA 1-276-117	11/12/2002	http://www.vimeo.com/6643350
Do You Realize?	COYNE, WAYNE / DROZD, STEVEN / IVINS, MICHAEL / FRIDMANN, DAVE	Flaming Lips	EMI Blackwood Music, Inc.	PA 1-104-885	1/29/2003	http://www.vimeo.com/1821954
Don't Forget About Us	DUPRI, JERMAINE / COX, BRYAN MICHAEL PAUL / AUSTIN, JOHNATA M / CAREY, MARIAH	Mariah Carey	EMI April Music, Inc.	PA 1-162-888	12/17/2005	http://www.vimeo.com/2625316
Drive	BOYD, BRANDON CHARLES / EINZIGER, MICHAEL AARON / KATUNICH, ALEX / PASILLAS, JOSE ANTHONY II / KILMORE, CHRISTOPHER E	Incubus	EMI April Music, Inc.	PA 1-040-096	8/7/2000	http://www.vimeo.com/2915153
Everlong	GROHL, DAVE	Foo Fighters	EMI Virgin Songs, Inc.	PA 0-875-688	7/24/1997	http://www.vimeo.com/1436451

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Everywhere	SHANKS, JOHN M / BRANCH, MICHELLE / BRONLEWE, MATTHEW / ARBUCKLE, TIFFANY	Michelle Branch	EMI Virgin Music, Inc.	PA 1-071-638	1/23/2002	http://www.vimeo.com/1476936
Fat Lip	WHIBLEY, DERYCK JASON / NORI, GREIG ANDREW / JOCZ, STEVE / BAKSH, DAVE	Sum 41	EMI April Music, Inc.	PA 1-065-069	10/1/2001	http://www.vimeo.com/247846
Freak'n You	DE GRATE, DONALD EARLE	Jodeci	EMI April Music, Inc.	PA 0-843-530	3/29/1996	http://www.vimeo.com/3385031
First Date	DE LONGE, TOM / HOPPUS, MARK / BARKER, TRAVIS L	Blink 182	EMI April Music, Inc.	PA 1-051-353 PA 1-157-802 (CA to PA 1-051-353)	7/2/2001 7/14/2003 (CA to PA 1-051-353)	http://www.vimeo.com/1352338
Friday On My Mind	VANDA, HARRY / YOUNG, GEORGE REDBURN	The Easy Beats	EMI Unart Catalog, Inc.	EP 0-233-655 RE 0-735-136	EP 4/15/1967 RE 8/16/1996	http://www.vimeo.com/3616264
Genie in a Bottle	KIPNER, STEPHEN / FRANK, DAVID / SHEYNE, PAMELA	Christina Aguilera	EMI April Music, Inc.	PA 0-982-204	12/27/1999	http://www.vimeo.com/2021311
Ghostbusters	PARKER, RAY ERSKINE JR	Ray Parker Jr.	EMI Gold Horizon Music Corp.	PA 218-114 PA 218-120 (Inst. Version)	7/13/1984 7/13/1984 (Inst. Version)	http://www.vimeo.com/1421798
Glamorous	WILLIAMS, ELVIS / FERGUSON, STACY / BRIDGES, CHRISTOPHER BRIAN / JONES, JAMAL / ADAMS, WILL	Fergie	EMI Blackwood Music, Inc.	PA 1-166-841	1/31/2007	http://www.vimeo.com/248786
Grilz	DUPRI, JERMAINE / PHILLIPS, JAMES / HAYNES, CORNELL / SLAYTON, PAUL MICHAEL / JONES, ALIKENYATTA / GIPP, CAMERON F	Nelly	EMI April Music, Inc.	PA 1-160-017 (Underlying Work)	11/24/2004 (Underlying Work)	
Have You Ever	BOYD, BRANDON CHARLES / EINZIGER, MICHAEL AARON / KATUNICH, ALEX / PASILLAS, JOSE ANTHONY II	Incubus	EMI Blackwood Music, Inc.	PA 1-163-058 (New Work)	12/22/2005 (New Work)	http://www.vimeo.com/4125451
Hips Don't Lie	DUPLESSIS, JERRY / JEAN, WYCLEF / PARKER, LATAVIA CHUFON MEBARAK, SHAKIRA / ALFANNO, OMAR / DIAZ, LUIS	Shakira	EMI April Music, Inc.	PA 1-068-162 PA 1-038-508 (CA)	PA 12/5/2001 PA 3/1/2002	http://www.vimeo.com/4435289
			EMI Blackwood Music, Inc.	PA 1-163-862	3/15/2006	http://www.vimeo.com/5248338

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Hit Em' Up	HITCHINGS, DUANE S / LAMBERT, DENNIS EARLE / GOLDE, FRANINE / SHAKUR, TUPAC	Tupac	EMI Virgin Music, Inc.	PA 0-205-100 (Underlying Work) PA 0-212-356 (CA)	PA 3/5/1984 PA 5/15/1984	http://www.vimeo.com/4150528
I Can't Help Myself (Sugar Pie Honey Bunch)	HOLLAND, BRIAN / DOZIER, LAMONT HERBERT / HOLLAND, EDWARD, JR.	The Four Tops	Jobete Music Co., Inc.	EP 0-201-377 RE 0-618-214	4/15/1965 4/1/1993	http://www.vimeo.com/3132300
I Hate Everything About You	GONTIER, ADAM / WALST, BRAD / SANDERSON, NEIL / BROWN, GAVIN	Three Days Grace	EMI April Music, Inc.	PA 1-215-642	11/13/2003	http://www.vimeo.com/6154299
I Hate Myself For Loving You	CHILD, DESMOND / JETT, JOAN	Joan Jett	EMI April Music, Inc.	PA 0-419-420	6/19/1989	http://www.vimeo.com/5856820
I Heard It Through the Grapevine	WHITFIELD, NORMAN J. / STRONG, BARRETT	Glady's Knight & the Pips	Jobete Music Co., Inc.	EP 0-220-700 RE 0-678-631	EP 8/15/1966 RE 10/13/1994	http://www.vimeo.com/364900
I Miss You	BARKER, TRAVIS L / DE LONGE, TOM / HOPPUS, MARK	Blink 182	EMI April Music, Inc.	PA 1-198-516	12/11/2003	http://www.vimeo.com/5892403
I Want You Back	PERREN, FREDDIE / MIZELL, ALPHONSO J / GORDY, BERRY JR / LUSSIER, DENNIS	Jackson 5	Jobete Music Co., Inc.	EP 0-264-423 RE 0-745-409	EP 10/23/1969 RE 1/3/1997	http://www.vimeo.com/214019
I Write Sins Not Tragedies	URIE, BRENDON / ROSS, RYAN / SMITH, SPENCER / WILSON, BRENT	Panic at the Disco	EMI April Music, Inc.	PA 1-162-939	12/12/2005	http://www.vimeo.com/4187130
I'm Your Boogie Man	CASEY, HARRY / FINCH, RICHARD	KC and the Sunshine Band	EMI Virgin Music, Inc.	EU 0-725-440 EP 0-365-996 RE 0-903-890	EU 10/26/1976 EP 3/16/1977 RE 1/5/2004	http://www.vimeo.com/3424000
Iris	RZEZNIK, JOHN	Goo Goo Dolls	EMI Virgin Songs, Inc. EMI Blackwood Music, Inc.	PA 0-900-647	6/3/1998	http://www.vimeo.com/3823925
Jane Says	FARRELL, PERRY / NAVARRO, DAVID / AVERY, ERIC ADAM / PERKINS, STEPHEN	Jane's Addiction	EMI Virgin Music, Inc.	PA 0-410-734	11/17/1988	http://www.vimeo.com/4838120
Josie	RAYNOR, SCOTT / HOPPUS, MARK / DE LONGE, TOM	Blink 182	EMI April Music, Inc.	PA 0-893-365 EU 0-725-446 EP 0-369-813 RE 0-903-892	5/7/1998 EU 10/26/1976 EP 6/1/1977 RE 1/5/2004	http://www.vimeo.com/1683225
Keep It Coming Love	CASEY, HARRY / FINCH, RICHARD	KC and the Sunshine Band	EMI Virgin Music, Inc.	EP 0-124-401 RE 0-298-126	EP 10/1/1958 RE 5/30/1986	http://www.vimeo.com/3510824
La Bamba	VALENS, RITCHIE	Ritchie Valens	EMI Virgin Music, Inc.			http://www.vimeo.com/1015015

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Learn To Fly	GROHL, DAVE / MENDEL, NATE / HAWKINS, TAYLOR	Foo Fighters	EMI Virgin Songs, Inc.	PA 0-976-579	12/30/1999	http://www.vimeo.com/2358834
Let's Get Retarded	PAJON, GEORGE JR / ADAMS, WILL / FRATANTUNO, MICHAEL / GOMEZ, JAMIE / GRAVES, TERENCE YOSHIKI / PINEDA, ALLAN	Black Eyed Peas	EMI Blackwood Music, Inc.	PA 1-158-945	3/23/2004	http://www.vimeo.com/4799923
Lollipop	SCHAEFFER, JAMES / GARRETT, STEPHEN ELLIS / CARTER, DWAYNE / ZAMOR, REX FRITZ / HARRISON, DARIUS	Lil Wayne	EMI Blackwood Music, Inc.	PA 1-600-441	6/12/2008	http://www.vimeo.com/4256664
Love In This Club	JENKINS, JAY / RAYMOND, USHER / LOVETT, RYON / JONES, JAMAL / TAYLOR, LAMAR / DALTON, DARNELL / THOMAS, KEITH	Usher	EMI April Music, Inc.	PA 1-602-815	7/11/2008	http://www.vimeo.com/1187654
Love Shack	PIERSON, KATE / SCHNEIDER, FRED / STRICKLAND, KEITH / WILSON, CINDY	B-52's	EMI Blackwood Music, Inc.	PA 0-448-774	8/1/1989	http://www.vimeo.com/5777319
Lump	BALLEW, CHRISTOPHER WELDON / DEDERER, DAVID MICHAEL / FINN, JASON S	Presidents of the United States of America	EMI April Music, Inc.	PA 0-779-286	2/2/1996	http://www.vimeo.com/1500344
Miserable	POPOFF, JEREMY A / POPOFF, ALAN JAY / BALDES, KEVIN R / SHELLENBERGER, ALLEN A	Lit	EMI April Music, Inc.	PA 0-951-331	5/21/1999	http://www.vimeo.com/270139
Money Money	BLOOM, BOBBY / JAMES, TOMMY / ROSENBLATT, RICHARD / GENTRY, BO	Billy Idol	EMI Virgin Songs, Inc.	EP 0-244-045 RE 0-738-527	4/4/1968 9/11/1996	http://www.vimeo.com/1952208
Ms. Jackson	SHEATS, DAVID A / BENJAMIN, ANDRE / PATTON, ANTWAN	Outkast	EMI April Music, Inc.	PA 1-039-708	1/30/2001	http://www.vimeo.com/5816754
My Girl	WHITE, RONALD / ROBINSON, SMOKEY	The Temptations	Jobete Music Co., Inc.	EP 0-196-315 RE 0-601-304	12/15/1964 12/16/1992	http://www.vimeo.com/384222
My Love	KURSTIN, GREG / GEORGE, INARA	Bird And The Bee	EMI April Music, Inc.	PA 1-631-680	2/27/2009	http://www.vimeo.com/3212317
Never Can Say Goodbye	DAVIS, CLIFTON	Jackson 5	Jobete Music Co., Inc.	EU 0-187-089 RE 0-772-428 EP 0-281-027 RE 0-772-977	6/10/1970 1/2/1998 12/21/1970 1/2/1997	http://www.vimeo.com/5615884
New Kid In Town	SOUTHER, JOHN DAVID / FREY, GLENN LEWIS / HENLEY, DONALD HUGH	The Eagles	EMI Blackwood Music, Inc.	EU 0-738-281 RE 0-892-863	EU 12/10/1976 RE 1/5/2004	http://www.vimeo.com/4854619

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Oye Como Va	PUENTE, TITO	Carlos Santana	EMI Virgin Music, Inc.	EP 0-173-704 RE 0-523-882	3/26/1963 2/6/1991	http://www.vimeo.com/3992468
Pain	SANDERSON, NEIL / GONTIER, ADAM / WALST, BRAD / BROWN, GAVIN / STOCK, BARRY	Three Days Grace	EMI Blackwood Music, Inc.	PA 1-164-543	7/11/2006	http://www.vimeo.com/1127250
Papa Was a Rollin Stone	WHITFIELD, NORMAN J. / STRONG, BARRETT	The Temptations	Stone Diamond Music Corp.	EP 0-299-072 RE 0-815-898	EP 4/1/1972 RE 1/3/2000	http://www.vimeo.com/2811318
Peaches	BALLEW, CHRISTOPHER WELDON / DEDERER, DAVID MICHAEL / FINN, JASON S	The Presidents of The United States of America	EMI April Music, Inc.	PA 0-779-289	2/2/1996	http://www.vimeo.com/350903
Pink Panther - Theme	MANCINI, HENRY	Henry Mancini	EMI U Catalog, Inc.	EU 0-802-104 RE 0-531-574	12/9/1963 3/25/1991	http://www.vimeo.com/1283346
Roam	PIERSON, KATE / SCHNEIDER, FRED / STRICKLAND, KEITH / WILSON, CINDY / WALDROP, ROBERT					
Rock the Boat	GARRETT, STEPHEN / SEATS, ERIC / STEWART, RAPTURE	B-52's	EMI April Music, Inc.	PA 0-448-776	8/1/1989	http://www.vimeo.com/3823517
Seize The Day	SANDERS, MATTHEW CHARLES / SULLIVAN, JAMES OWEN / HANER, JR., BRIAN ELWIN / BAKER, ZACHARY JAMES	Aaliyah	EMI April Music, Inc.	PA 1-059-155	9/4/2001	http://www.vimeo.com/3974655
Semi Charmed Life	JENKINS, STEPHAN	Avenge Sevenfold	EMI April Music, Inc.	PA 1-162-009	6/27/2005	http://www.vimeo.com/1636253
Shake It Off	DUPRI, JERMAINE / COX, BRYAN MICHAEL PAUL / AUSTIN, JOHNATA M / CAREY, MARIAH	Third Eye Blind	EMI Blackwood Music, Inc.	PA 0-797-856 PA 0-913-999-	8/25/1997 12/2/1998	http://www.vimeo.com/1654148
She Don't Use Jelly	COYNE, WAYNE / VINS, MICHAEL / DROZD, STEVEN / JONES, RONALD	Mariah Carey	EMI April Music, Inc.	PA 1-161-182	4/28/2005	http://www.vimeo.com/5789010
Sober	KEENAN, MAYNARD JAMES / JONES, ADAM / CAREY, DANIEL / D'AMOUR, PAUL	The Flaming Lips	EMI Blackwood Music, Inc.	PA 0-797-944	6/12/1996	http://www.vimeo.com/1735462
Song Cry	CARTER, SHAWN C / GIBBS, DOUGLAS / JOHNSON, R. / SMITH, JUSTIN GREGORY	Tool	EMI Virgin Music, Inc.	PA 0-628-773	7/28/1993	http://www.vimeo.com/1745972
Stars and Boulevards	LAYUS, DANIEL / PALOMAR, JARED / ROZENCWAJG, JOSIAH / SOUTH, JUSTIN	Jay-Z	EMI Blackwood Music, Inc.	PA 1-038-349	11/6/2001	http://www.vimeo.com/3304792
Still Waiting	WHIBLEY, DERYCK JASON / NORI, GREIG ANDREW	Augustana	EMI April Music, Inc.	PA 1-162-849	12/2/2005	http://www.vimeo.com/453078
		Sum 41	EMI April Music, Inc.	PA 1-104-692	1/8/2003	http://www.vimeo.com/2509097

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Stop	FARRELL, PERRY / NAVARRO, DAVID / AVERY, ERIC ADAM / PERKINS, STEPHEN	Jane's Addiction	EMI Blackwood Music, Inc.	PA 0-495-276	9/25/1990	http://www.vimeo.com/3875033
Stop In The Name of Love	HOLLAND, BRIAN / DOZIER, LAMONT HERBERT / HOLLAND, EDWARD, JR.	Diana Ross	Jobete Music Co., Inc.	EP 0-197-655 RE 0-618-204	EP 1/15/1965 RE 4/1/1993	http://www.vimeo.com/2666875
Stray Cat Strut	SETZER, BRIAN	Stray Cats	EMI Virgin Music, Inc.	PA 0-168-000	11/15/1982	http://www.vimeo.com/1602648
Sunrise	ALEXANDER, LEE / JONES, NORAH	Norah Jones	EMI Blackwood Music, Inc.	PA 1-158-822	3/4/2004	http://www.vimeo.com/2127641
Superman	ONDRASIK, JOHN	Five For Fighting	EMI Blackwood Music, Inc.	PA 1-029-927	12/12/2000	http://www.vimeo.com/4419272
The Hunter Gets Captured By The Game	ROBINSON, SMOKEY	Marvelettes	Jobete Music Co., Inc.	EP 0-225-705 RE 0-678-620	EP 12/1/1966 RE 10/13/1994	http://www.vimeo.com/2489322
The Rock Show	DE LONGE, TOM / HOPBUS, MARK / BARKER, TRAVIS L	Blink 182	EMI April Music, Inc.	PA 1-051-353 PA 1-157-802 (CA to PA 1-051-353)	PA 7/2/2001 PA 7/14/2003	http://www.vimeo.com/5483316
The Widow	RODRIGUEZ, OMAR / BIXLER, CEDRIC	Mars Volta	EMI April Music, Inc.	PA 1-161-249	5/3/2005	http://www.vimeo.com/3797034
There's A Good Reason These Tables Are Numbered	URIE, BRENDON / ROSS, RYAN / SMITH, SPENCER / WILSON, BRENT	Panic At The Disco	EMI April Music, Inc.	PA 1-162-944	12/12/2005	http://www.vimeo.com/4287010
To Be With You	GRAHAME, DAVID RICHARD / MARTIN, ERIC LEE	Mr. Big	EMI April Music, Inc.	PA 0-542-741	8/28/1991	http://www.vimeo.com/3964592
Toxic	DENNIS, CATHY / KARLSSON, CHRISTIAN / WINNEBERG, PONTUS / JONBACK, HERIK	Britney Spears	Colgems-EMI Music, Inc.	PA 1-158-179	12/11/2003	http://www.vimeo.com/3623713
Undemeath Your Clothes	MENDEZ, LESTER A / MEBARAK, SHAKIRA	Shakira	EMI Blackwood Music, Inc.	PA 1-058-060	1/23/2002	http://www.vimeo.com/4901759
Unholy Confessions	SANDERS, MATTHEW CHARLES / HANER, JR., BRIAN ELWIN / SULLIVAN, JAMES OWEN / BAKER, ZACHARY JAMES	Avenge Sevenfold	EMI April Music, Inc.	PA 1-224-367	6/8/2004	http://www.vimeo.com/2361973
Unwritten	BRIBOIS, DANIELLE / BEDINGFIELD, NATASHA / RODRIGUES, WAYNE	Natasha Bedingfield	EMI Blackwood Music, Inc.	PA 1-162-074	7/28/2005	http://www.vimeo.com/130432

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COMPOSITION TITLE	WRITERS	EXAMPLE ARTIST	PLAINTIFF	REGISTRATION NUMBER	REGISTRATION DATE	VIMEO URL
We Be Burmin'	THOMAS, DELANO / JARRETT, MICHAEL PATRICK / MARSH, CRAIG SERANI / CUNNINGHAM, CEZAR / MARSDEN, STEVEN / HENRIQUES, SEAN PAUL	Sean Paul	EMI April Music, Inc.	PA 1-162-489	10/4/2005	http://www.vimeo.com/13578
We Belong Together	DUPRI, JERMAINE / SEAL, MANUEL LONNIE / JUSTIN, JOHNATA M / CAREY, MARIAH / SULLY, SANDRA / MOTEN, PATRICK L / WOMACK, BOBBY	Mariah Carey	EMI April Music, Inc.	PA 1-162-027 PA 1-062-025 (CA to PA 957- 349)	7/7/2005	http://www.vimeo.com/5788320
What's My Age Again	DE LONGE, TOM / HOPPUS, MARK	Blink 182	EMI April Music, Inc.	EP 0-210-347 RE 0-645-659	12/28/1999 EP 11/15/1965 RE 12/6/1993	http://www.vimeo.com/5835088
Wild Thing	TAYLOR, CHIP BOYD, BRANDON CHARLES / EINZIGER, MICHAEL AARON / KATUNICH, ALEX / PASILLAS, JOSE ANTHONY II	Chip Taylor	EMI Blackwood Music, Inc.			http://www.vimeo.com/3289720
Wish You Were Here	HOLLAND, EDWARD, JR. / HOLLAND, BRIAN / DOZIER, LAMONT HERBERT	Incubus	EMI April Music, Inc.	PA 1-068-162	12/5/2001	http://www.vimeo.com/390189
You Can't Hurry Love		Diana Ross and the Supremes	Jobete Music Co., Inc.	EP 0-203-456 RE 0-618-222	6/1/1965 4/1/1993	http://www.vimeo.com/4563762