

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DISH NETWORK L.L.C.,

Plaintiff,

v.

DOES 1-15, d/b/a Freetvall.com,
Freetvall.net, Freetvall.xyz, Freetvall.me,
Freetvall.live, Livetvcafe.com,
Livetvcafe.net, Livetvcafe.me,
Time4tv.com, Time4tv.net, Time4tv.me,
Cricket-tv.net, Cricket-tv.me,
Tv4embed.com, and A1livetv.com,

Defendants.

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Civil Action No. 4:19-cv-4563

COMPLAINT

Plaintiff DISH Network L.L.C. (“DISH”) brings this suit against Defendants Does 1-15 d/b/a Freetvall.com, Freetvall.net, Freetvall.xyz, Freetvall.me, Freetvall.live, Livetvcafe.com, Livetvcafe.net, Livetvcafe.me, Time4tv.com, Time4tv.net, Time4tv.me, Cricket-tv.net, Cricket-tv.me, Tv4embed.com, and A1livetv.com (collectively the “Free TV Websites”), and states as follows:

Nature of the Action

1. DISH brings this suit for contributory copyright infringement because Defendants know that their Free TV Websites are providing access to television channels exclusively licensed to DISH in the United States, and Defendants are materially contributing to and inducing direct copyright infringement by third parties.

2. Defendants demonstrated the willfulness of their infringement by continuing to provide access to television channels exclusively licensed to DISH on the Free TV Websites in the United States despite receiving numerous demands from DISH that Defendants cease.

Parties

3. Plaintiff DISH Network L.L.C. is a limited liability company organized under the laws of the State of Colorado, with its principal place of business located at 9601 South Meridian Blvd., Englewood, Colorado 80112.

4. Defendants Does 1-15 are individuals or entities that own and operate the Freetvall.com, Freetvall.net, Freetvall.xyz, Freetvall.me, Freetvall.live, Livetvcafe.com, Livetvcafe.net, Livetvcafe.me, Time4tv.com, Time4tv.net, Time4tv.me, Cricket-tv.net, Cricket-tv.me, Tv4embed.com, and Allivetv.com domains and websites. DISH is unaware of the true names of Does 1-15. Defendants are concealing their identities through the use of false registration information associated with Defendants' Free TV Websites. Whois records for these domains identify false information including "Wabbitwatchin Excursions" and an Iceland address taken from an online example format for a P.O. box address.¹ DISH believes discovery will identify Does 1-15 and enable DISH to amend the complaint to list Defendants by name.

5. Upon information and belief, Defendants may be part of the same organization or under common operation and control. The Free TV Websites have similarities among their domain registration information and use the same domain registrar, service providers, and servers. The Freetvall.com, Freetvall.net, Freetvall.xyz, and Livetvcafe.me websites each list the same "contact" email address. The Free TV Websites also have similarities in their design, appearance, functionality, and advertisements.

Jurisdiction and Venue

6. DISH asserts claims under the Copyright Act, 17 U.S.C. § 101 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

¹ See <https://www.bitboost.com/ref/international-address-formats/iceland/>.

7. Personal jurisdiction is proper against Defendants because they use the Free TV Websites to provide access to television channels exclusively licensed to DISH to users of the Free TV Websites located in the State of Texas.

8. In the alternative, personal jurisdiction is proper against Defendants under Rule 4(k)(2) of the Federal Rules of Civil Procedure. Defendants provide access to television channels exclusively licensed to DISH in the United States including the State of Texas. This Court’s exercise of jurisdiction over Defendants is consistent with the Constitution and laws of the United States, DISH’s claims arise under federal law, and Defendants are not subject to the jurisdiction of the courts of general jurisdiction of any state. The United States is a high source of traffic for the Free TV Websites as shown by the following reports from Similarweb.com:



Traffic by countries ⓘ

On desktop



United States	31.62%	▲ 65.18%
United Kingdom	7.86%	▼ 17.02%
Pakistan	7.32%	▲ 450.7%
Netherlands	4.76%	▲ 281.9%
Canada	4.35%	▼ 27.43%



Traffic by countries ⓘ

On desktop



United States	58.57%	▲ 9.95%
Canada	17.89%	▲ 32.56%
Barbados	3.34%	▲ 214.4%
Chile	1.28%	▼ 0.00%
Italy	1.27%	▼ 18.40%

9. Venue is proper in this Court under 28 U.S.C. § 1391(b)(3) because Defendants are subject to personal jurisdiction in this district and under § 1391(c)(3) because, upon information and belief, Defendants are nonresidents that may be sued in any judicial district. Venue is also proper in this Court under 28 U.S.C. § 1400(a) because the case involves violations of the Copyright Act.

DISH's Copyrights

10. DISH is the fourth largest pay-television provider in the United States providing copyrighted programming to millions of subscribers nationwide with satellite delivery under the “DISH” brand and through over-the-top (“OTT”) services under the “Sling” brand whereby programming is delivered using a public Internet infrastructure. Through its satellite and Sling services, DISH is one of the largest providers of international television channels in the United States offering more than 400 channels in 27 different languages.

11. DISH contracts for and licenses rights for the international channels distributed on its platform from channel owners and their agents, including Al Jazeera Media Network; ARY Digital USA LLC; B4U U.S., Inc.; Bennet, Coleman and Company Limited; Century Media Network Inc.; Television Media Network (Pvt) Ltd; GEO USA LLC; Globosat Entertainment, LLC; Hum Network Limited; MBC FZ LLC; MSM Asia Limited; National Communications Services (SMC-PVT.) Limited; Soundview Broadcasting LLC; and TV Today Network Ltd.; (collectively, the “Networks”).

12. The Networks’ channels include Aaj Tak; Al Jazeera Arabic News; ARY Digital; ARY News; ATN News; B4U Movies; B4U Music; Dunya TV; Express Entertainment; Express News; Geo News; Geo TV; Hum Sitaray; Hum Masala; Hum TV; Hum World; India Today; MBC1; MBC Drama; MBC Kids (a/k/a MBC3); MBC Masr; NTV Bangla; Sahara Samay; SAB;

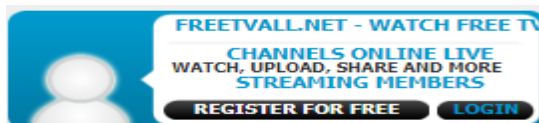
SET Max; Sony Mix; Sony SET; Times Now; and Zoom (collectively, the “Protected Channels”). The Networks acquire copyrights in the works that air on their respective channels, including by producing the works and by assignment.

13. DISH entered into signed, written licensing agreements with the Networks granting DISH the exclusive right to distribute and publicly perform the Protected Channels and works that air on the Protected Channels in the United States by means including satellite, OTT, Internet protocol television (“IPTV”), and Internet. DISH’s exclusive rights were in effect at all relevant times and are currently in effect. Many of the works that aired on the Protected Channels and for which DISH holds exclusive distribution and public performance rights are registered with the United States Copyright Office. (See Exhibit 1.) A vast number of additional, unregistered copyrighted works in which DISH holds exclusive distribution and public performance rights also aired on the Protected Channels. (See Exhibit 2.)

14. Defendants are not authorized by DISH to transmit, distribute, or publicly perform the Protected Channels or works that air on the Protected Channels in the United States, and DISH has received no compensation from Defendants to do so.

Defendants’ Wrongful Conduct

15. Defendants own and operate the Free TV Websites. The Free TV Websites allow users in the United States (“Free TV Users”) to Watch unauthorized streams of the Protected Channels, including the works identified in Exhibits 1-2.



16. Defendants control the organization and presentation of the Protected Channels. Defendants organize the Protected Channels by name and into categories including Most Viewed, Pakistan, Hindi, Bangladesh, and Arab. The Free TV Websites also have a video search function that allows Free TV Users to quickly obtain links to the Protected Channels. Defendants provide Free TV Users with easy access to streams of the Protected Channels on the Free TV Websites.

17. Upon information and belief, Defendants search the Internet for unauthorized sources of the Protected Channels and identify links to that content. Defendants then upload these links for the Protected Channels onto the Free TV Websites. The following is a screenshot from Freetvall.com showing links to Protected Channels.



Additional examples of screenshots showing links to Protected Channels on Free TV Websites are attached as Exhibit 3.

18. When Free TV Users click on links to the Protected Channels, they instantaneously receive unauthorized streams of the Protected Channels. The following is a screenshot from Freetvall.com providing access to the Hum TV channel after clicking on the “Hum TV” link shown in paragraph 17:



Attached as Exhibit 4 are screenshots of Protected Channels accessed using the links on the Free TV Websites shown in Exhibit 3.

19. Freetvall.com, Freetvall.me, Freetvall.live, Livetvcafe.com, Livetvcafe.net currently redirect to Freetvall.xyz or Livetvcafe.me, which provide Free TV Users with access to the Protected Channels. Freetvall.com, Livetvcafe.com, Livetvcafe.net, Time4tv.com,

Time4tv.net, Time4tv.me, Tv4embed.com and A1Livetv.com previously provided Free TV Users with access to the Protected Channels. Upon information and belief, each of these domains or websites, as well as Cricket-tv.net and Cricket-tv.me, are likely to provide Free TV Users with access to the Protected Channels in the future.

20. Defendants provide free access to the Protected Channels to attract more users to the Free TV Websites. Defendants monetize the Free TV Websites through advertising on the Free TV Websites.

21. Defendants have actual knowledge that the transmission of the Protected Channels and works that air on the Protected Channels in the United States infringes DISH's copyrights. Since September 2013, DISH and Networks sent at least 49 notices of infringement to Defendants using email addresses associated with the Free TV Websites and demanding that Defendants cease providing access to the Protected Channels identified in the notices. Defendants failed to respond to these notices of infringement.

22. DISH and Networks sent at least 49 additional notices to service providers of the Free TV Websites and the streams of the Protected Channels requesting the removal of the Protected Channels. Upon information and belief, at least some of these notices were forwarded to Defendants. Even when these service providers removed the unauthorized content, Defendant intentionally interfered with the takedown efforts by, for example, using different service providers or links to provide access to the Protected Channels.

CLAIMS FOR RELIEF

Count I

Inducing and Materially Contributing to Copyright Infringement Under 17 U.S.C. § 501

23. DISH repeats and realleges the allegations in paragraphs 1-22.

24. DISH is a copyright owner under 17 U.S.C. § 106 because DISH holds the exclusive rights to distribute and publicly perform in the United States, by means including satellite, OTT, IPTV, and Internet, the programs that make up the Protected Channels.

25. The programs that make up the Protected Channels are original audiovisual works fixed in a tangible medium of expression, and are therefore copyrightable subject matter. DISH's copyrights in programs that aired on the Protected Channels arise under laws of nations other than the United States that are parties to copyright treaties with the United States, including the United Arab Emirates, Qatar, Pakistan, India, and Bangladesh where the programs were authored and first published. Under 17 U.S.C. §§ 101, 411, the programs that make up the Protected Channels are non-United States works and, therefore, registration with the United States Copyright Office is not a prerequisite to filing a copyright infringement action with respect to these works.

26. DISH's exclusive rights to distribute and publicly perform the Protected Channels and programs that make up the Protected Channels, including the works identified in Exhibits 1-2, are directly infringed by the unauthorized transmission of these programs to Free TV Users who access the programs using Defendants' Free TV Websites.

27. Defendants materially contribute to this infringement of DISH's exclusive distribution and public performance rights by, among other things, providing Free TV Users access to the Protected Channels and the programs that make up the Protected Channels, despite having the ability to prevent such access. Defendants also induce the infringement of DISH's exclusive distribution and public performance rights by, among other things, creating the audience for that infringement in the United States.

28. Defendants select the channels that are made accessible to Free TV Users through the Free TV Websites. Defendants also acquire, upload, maintain, and control the links on the Free TV Websites that are used to connect Free TV Users to the Protected Channels.

29. Defendants intend that the Free TV Websites be used to access the Protected Channels and the programs that make up the Protected Channels, and they promote, encourage, and facilitate using the Free TV Websites in this manner. Defendants upload links for the Protected Channels onto the Free TV Websites, track the “View(s)” for each link, group the “Most Viewed” links together, and include a video search function making it easy for Free TV Users to locate and access the Protected Channels.

30. Defendants have actual knowledge that the transmission of the Protected Channels and the programs that make up the Protected Channels to Free TV Users infringes DISH’s exclusive distribution and public performance rights.

31. Defendants can take simple measures to prevent further infringement of DISH’s exclusive rights to distribute and publicly perform the programs that make up the Protected Channels, such as removing or disabling links to the Protected Channels from the Free TV Websites, or blocking Free TV Users in the United States from accessing the Free TV Websites.

32. Defendants’ actions are willful, malicious, intentional, purposeful, and in disregard of and with indifference to the rights of DISH.

33. Unless enjoined by the Court, Defendants will continue to engage in acts causing substantial and irreparable injury to DISH that includes damage to its reputation, loss of goodwill, and lost sales, for which there is no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, DISH prays for judgment against Defendants as follows:

A. For a grant of permanent injunctive relief under 17 U.S.C. § 502 restraining and enjoining Defendants, and any of their agents, servants, employees, attorneys, or other persons acting in active concert or participation with any of the foregoing that receives actual notice of the order, including service providers, from:

1. transmitting, streaming, distributing, publicly performing, linking to, hosting, promoting, advertising, or displaying in the United States, through the Free TV Websites, or any other domain, website, device, application, service, or process, any of the Protected Channels or any of the programming that comprises any of the Protected Channels; and

2. inducing or contributing to any other person's or entity's conduct that falls within 1 above.

B. For 112 or more registered works, statutory damages as awarded by the Court up to \$150,000 per registered work infringed under 17 U.S.C. § 504(c), or the Defendants' profits attributable to the infringement of those registered works under 17 U.S.C. § 504(b).

C. For unregistered works, an award of Defendants' profits attributable to the infringement of each unregistered work under 17 U.S.C. § 504(b).

D. For DISH's attorneys' fees and costs under 17 U.S.C. § 505.

E. For impoundment and disposition of all infringing articles under 17 U.S.C. § 503.

F. For an order permanently transferring each domain name that Defendants used in connection with the infringement to DISH.

G. For pre- and post-judgment interest on all monetary relief, from the earliest date permitted by law at the maximum rate permitted by law.

H. For such additional relief as the Court deems just and equitable.

Dated: November 21, 2019

Respectfully submitted,

HAGAN NOLL & BOYLE LLC

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