Gmail

Do We Know Them? <doweknowthempodcast@gmail.com>

Electronically Filed
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Copyright takedown request received for your YouTube video
1 message

YouTube Copyright <youtube-disputes+3sz2texk0gmdz0q@google.com> Tue, Dec 12, 2023 at 5:43 PM
Reply-To: YouTube Copyright <youtube-disputes+3sz2texk0gmdz0q@google.com>
To: doweknowthempodcast@gmail.com

Hello,

We received a takedown request for your video(s) listed below that we've determined is invalid:

https://youtube.com/watch?v=FWDqzt59xl4

As a result, we've reinstated your video(s) (unless they were previously deleted) and the associated copyright strike was resolved.

Below is a record of the invalid takedown request we received for your video(s). Note that the complainant's physical address and phone number have been redacted.

[BEGIN COPY OF TAKEDOWN REQUEST]

On December 7, 2023 [redacted]@brauniplaw.com wrote:

> Copyright Owner: Braun IP Law, LLC
>
> Your email address: [redacted]@brauniplaw.com
>
> Description of your copyrighted work: Audio visual work registered with the US Copyright Office under Reg. No. PA 2-443-504 (unofficial Certificate attached for ease of reference). Original publication can be found at https://www.tiktok.com/@braunlaw/video/7306554494966336810.
>
> Specific URLs of the videos in question: https://www.youtube.com/watch?v=FWDqzt59xl4
>
> Time stamp: 47:03 to 48:04
>
> While the burden of proving fair use is on the thief and not the copyright owner, a fair use analysis has been performed and no fair use was found. The analysis failed on all factors.
>
> Remove the stolen art from the video, issue the takedown immediately, and prevent future uploads from appearing on the platform.
>
> "I have a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law."
>
> "The information in this notification is accurate, and under penalty of perjury, I am the owner, or an agent authorized to act on behalf of the owner, of an exclusive right that is allegedly infringed."
>
> Signature: Jeanette M. Braun, Esq.
>
> --
>
> BRAUN IP LAW
> LIGHTNING IN A BOTTLE® LEGAL SERVICES
>
> **Jeanette M. Braun, Esq.**
>
> **Attorney at Law**
>
> [redacted]@brauniplaw.com
>
> www.brauniplaw.com (under construction)

On December 8, 2023 [redacted]@brauniplaw.com wrote:

> Dear YouTube,
>
> Please process my request quickly. Unless, of course, YouTube does not want the protections offered to it by the DMCA. Jessica Vazquez, the creator behind the Do We Know Them Account, which is a habitual violator of copyright rights, will submit a counternotice. I have already received one from her and I intend on filing legal action against her. I would like to combine the legal actions for both and the sooner she submits the counternotice to this complaint, the sooner I can file my legal action against her.
>
> Please institute a litigation hold against the Do We Know Them account and hold all funds. I intend to file a garnishment if I am successful with my legal proceedings.
>
> Very truly yours,
> Jeanette

On December 8, 2023 [redacted]@brauniplaw.com wrote:

> Dear YouTube,
>
> You are hereby put on notice of the copyright owner's intent to litigate and to name YouTube as a defendant. YouTube has waived its protections under the DMCA.
>
> The use of the stolen art is not fair use. Using Justice Souter's analysis in the U.S. Supreme Court Decision Campbell v. Acuff-Rose Music (92-1292), 510 U.S. 569 (1994), no fair use would be found. Your request for more information requires me to provide you with information that is attorney work product and attorney client privileged. I will not provide that information without a subpoena from a court or without it being under seal. If YouTube would like the protections under the DMCA, it must remove the stolen art. If YouTube decides not to remove the stolen art, please institute a litigation hold for the reported account and do not delete any electronic data YouTube has stored for the reported video or reported account, which is a habitual violator of copyright rights. My client currently has the intent to institute litigation and reserves all rights and remedies available to it.
>
> Should YouTube possess a general liability insurance policy or a comparable coverage, it may be required to send this letter to them within 24 hours of receipt. Neglecting to do so may lead to the insurance policy declining coverage for your defense. Additionally, please furnish me with the name of your insurance carrier within the same timeframe.
>
> To protect against spoliation of data, YouTube must stop all data deletion and destruction processes it has for the YouTube account DO WE KNOW THEM.
>
> YouTube must notify all those involved with this matter to preserve any and all data and documents in their files or in those that they can access. This would include both hard copy documents and electronic or magnetically stored data.
>
> Electronic data includes but is not limited to the following:
>
> • All communications by email, gmail, Blackberry (or similar device), and other electronic means
> • Text files
> • Files on shared servers
> • Databases
> • Calendar entries
> • Computer system activity logs
> • Internet usage files
> • Backup tapes
> • Internal network applications
>
> Other potentially relevant files or data include:
>
> • Files stored on hard drives
> • Laptops
> • i-Pads, Notebooks, etc.
> • Home computers
> • Handheld devices
> • Diskettes
> • CD's
> • DVD's
> • Smartphones
> • "Thumb drives"
> • Voice-mail
> • Video tape
> • Twitter
> • On-line social media sites
>
> Those potentially having information regarding this matter who should be notified are those that determined the copyright owner's rights were not violated, as well as the head of the intellectual property department, or anyone who may possibly have relevant materials. Please verify compliance with those having been notified. Any information created following this notice is also subject to e-discovery and a litigation hold. Periodic requests and updates are required.
>
> Very truly yours,
> Jeanette M. Braun

[END COPY OF TAKEDOWN REQUEST]

Sincerely,
The YouTube Team

Proof of Delivery

I hereby certify that on Wednesday, December 11, 2024, I provided a true and correct copy of the Exhibit P - Email from YouTube Reinstating Content_Redacted to the following:

Jessica Vazquez, represented by Jessica Vazquez, served via MANUALEEMAIL

Braun IP Law, LLC, represented by Jeanette M. Braun, served via ESERVICE at docket@brauniplaw.com

Signed: /s/ Lily Marston