Outlook

Copyright Counter Notice o/b/o Saintontas re: Top 10 Mistakes New Players in 2025 Make

From Rom Bar-Nissim <rom@heahbarnissim.com>
Date Mon 3/2/2026 3:40 PM
To copyright@youtube.com <copyright@youtube.com>
Cc saintontas@gmail.com <saintontas@gmail.com>

To Whom it May Concern:

Full Legal Name: Rom Bar-Nissim. Attorney for the YouTube channel: Saintontas. I am authorized by Saintontas to submit this counternotification on his behalf. As proof of authorization, Saintontas is included on this email.

Physical Mailing Address: Heah Bar-Nissim LLP, 1801 Century Park East, Suite 2400, Los Angeles, California 90067.

Telephone Number: (310) 432-2836

URL for the Saintontas Video Subject to DMCA Takedown: https://www.youtube.com/watch?v=n-0Q9-JZ3dk

Legal Statements:

Consent to Jurisdiction: Saintontas consents to jurisdiction of the Federal District Court for the district in which he is located (Northern District of California, San Francisco Division) which is also the district in which YouTube is located, and my firm (as the authorized agent of Saintontas) will accept service of process from the claimant.

Affirmation: Saintontas swears, under penalty of perjury, that he has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled.

Statement by Claimant:

Saintontas' use of the song "Disco Knights" (the "Song") by Quincas Moreira in the video entitled *Top 10 Mistakes New Players in 2025 Make* (the "Video") was authorized under a license as explained below.

Saintontas obtained a license for use of the Song in the Video from the YouTube Audio Library License (the "License"). Prior to the creation of the Video, Saintontas acquired the License by clicking the button displaying "$0.00" next to the Song in the YouTube Audio Library. Upon doing so, the terms of the license were displayed – along with buttons to either "Download" or "Save" the Song (Saintontas did both).

The license granted Saintontas the right to incorporate the Song into the Video and monetize it. Specifically, the license for the Song states: "You can use this audio track in any of your videos, including

videos that you monetize. No attribution is required. YouTube may credit the artist and link the Audio Library from your video. You may not make available, distribute or perform the music files from this library separately from videos and other content into which you have incorporated these music files (e.g., standalone distribution of these files is not permitted)."

Saintontas' use is completely consistent with the license. He incorporated the Song into his Video – which was monetized. He was not required to give attribution. He did not make the Song available, distribute or perform the Song separately from the Video.

As the Supreme Court of the United States has explained: "Anyone who is authorized by the copyright owner to use the copyrighted work in a way specified in [the Copyright Act] is not an infringer of the copyright with respect to such use." *Sony Corp. of Am. V. Universal City Studios, Inc.*, 464 U.S. 417, 433 (1984). As the Ninth Circuit explained more simply, "an infringement claim fails if the challenged use of the work falls within the scope of a valid license." *Oracle Am., Inc. v. Hewlett Packard Enterprise Co.*, 971 F.3d 1042, 1051 (9th Cir. 2020) (internal quotation marks omitted). Therefore, under no circumstances was Saintontas' use of the Song an infringement.

It is extremely likely the issuer of the takedown notice for the Song is not the copyright owner and committed a violation of 17 U.S.C. Section 512(f). The author of the Song is Quincas Moreira. The person who issued the takedown notice was "Joaquim Moreira" claims to be the copyright owner. It is highly likely "Joaquim Moreira" is a fictious name by an individual attempting to get Saintontas' channel deleted. Saintontas has been the recipient of another bad faith DMCA takedown notice and it was well publicized in his community. Several individuals have discussed issuing fraudulent DMCA takedown notices to get Saintontas' channel terminated as well. Therefore, it is mostly likely that "Joaquim Moreira" misrepresented his ownership of the Song and failed to consider whether it was licensed in violation of 17 U.S.C. Section 512(f).

Therefore, Saintontas respectfully requests that YouTube restore the Critique Video pursuant to 17 U.S.C. Section 512(g)(2)(C).

Rom Bar-Nissim
Partner

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