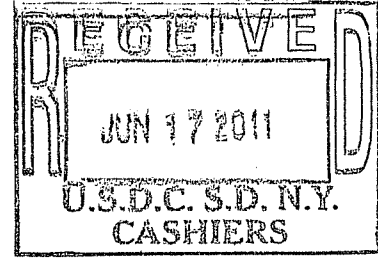


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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA

VERIFIED COMPLAINT

11 Civ.

-v.-

**11 CIV 4139**

THE FOLLOWING DOMAIN NAMES:

ROJADIRECTA.ORG, and  
ROJADIRECTA.COM,

Defendants-in-rem.

- - - - - x

Plaintiff United States of America, by its attorney,  
Preet Bharara, United States Attorney for the Southern District of  
New York, for its verified complaint alleges, upon information and  
belief, as follows:

I. JURISDICTION AND VENUE

1. This action is brought by the United States of  
America pursuant to Title 18, United States Code, Section 2323  
seeking the forfeiture of the following domain names:  
ROJADIRECTA.ORG, and ROJADIRECTA.COM, (collectively the "Defendant  
Domain Names") seized on February 1, 2011.

2. This Court has jurisdiction pursuant to Title 28, United States Code, Sections 1345 and 1355.

3. Venue is proper under Title 28, United States Code, Section 1355(b)(1)(A) because the acts and omissions giving rise to the forfeiture took place in the Southern District of New York and the Defendant Domain Names were all accessed using computers within the Southern District of New York.

4. The Defendant Domain Names were seized by the U.S. Department of Homeland Security, Bureau of Immigration and Customs Enforcement ("ICE"), pursuant to a seizure warrant obtained in the Southern District of New York and authorized by the Honorable Frank Maas, United States Magistrate Judge, on January 31, 2011.

II. THE DEFENDANT DOMAIN NAMES ARE FORFEITABLE PROPERTY

Law Enforcement's Investigation

5. Between December 2010 and February 2011, ICE agents conducted an investigation into a number of different websites that were illegally distributing copyright-protected content, particularly by streaming live sporting event telecasts and/or Pay-Per-View events over the Internet.

6. During the course of this investigation, agents learned that illegal streaming of copyright-protected content is generally accomplished in one of three ways: (1) individuals capture the output of a television or set-top box and direct that

output to a computer, where it is simultaneously and continuously encoded and uploaded in a "stream" to so-called illegal "streaming" websites; (2) individuals hack the authorized Internet streams of international rightsholders and then direct those streams to illegal streaming websites; and (3) a camcorder is pointed at a television or computer screen to capture the desired programming, which is then encoded and uploaded to illegal streaming websites.

7. The holder of the copyrights to all television broadcasts and other footage of a particular athletic event is the associated individual sports league. The sports leagues relevant to this complaint are the National Football League (the "NFL"), the National Basketball Association (the "NBA"), the National Hockey League (the "NHL"), World Wrestling Entertainment (the "WWE") and Ultimate Fighting Championship (the "UFC") (collectively, the "Leagues"). The U.S. Copyright Act, Title 17, United States Code, Sections 101, et seq., gives the holder of such copyrights various exclusive rights, including the right to control public performances and distribution of the works. In turn, the Leagues enter into contractual arrangements with television networks such as NBC and ESPN, which pay the Leagues fees for the rights to broadcast telecasts of their copyrighted sporting events.

8. The Leagues suffer significant negative impact from the unauthorized streaming of live television programming. Among other things, online piracy of live sporting event telecasts threatens the investment that broadcasters and digital media companies are willing to make to distribute live content, the Leagues' ability to sell game tickets and secure local television and radio carriage, and the value of advertising revenue generated by broadcast, radio and new media partners. Moreover, with respect to Pay-Per-View events, it is estimated that millions of dollars in revenue are lost by copyright holders each year from the illegal streaming of their content over the Internet through such websites, which enables unauthorized viewers to watch the event live in the same quality and with the same ease as those who lawfully purchased the content through Pay-Per-View.

9. In response to such piracy, both the Leagues and the broadcasting networks invest significant amounts to monitor such rampant acts of theft and provide notices to Internet service providers and website operators to take down illegally posted content. These "take down notices" are often ineffective, yet the costs of these efforts are passed on to sports fans and consumers when they purchase tickets or subscribe to sports networks.

10. The problem of piracy of live sports broadcasting over the Internet is particularly pernicious in light of the fact that the value of the copyright holder's content is extremely perishable. There is significant value to consumers in being able to access that content while the event is still in progress. Unlike other video content offered online, including television programs and motion pictures, which often remain popular well after their debut, sports fans' interest in viewing live sporting events is greatest while the event is happening. In addition, some sporting events - such as wrestling and boxing - involve bouts that can be over in a matter of a few minutes. Thus, even if a website is notified by a copyright holder of the infringement and takes the infringing content down within 15 minutes, the damage is already done because the pirated telecast has already been seen and all of the value of the live content has been extracted.

11. Generally speaking, the vast majority of the websites that are involved in the illegal distribution of copyright-protected content over the Internet may be divided into

two categories: "linking" websites and "cyberlocker" websites.<sup>1</sup> The Defendant Domain Names resolve to "linking" websites.

12. During the course of the investigation, agents discovered that "linking" websites generally collect and catalog links<sup>2</sup> to files on third-party websites that contain illegal copies of copyrighted content, including sporting events and Pay-Per-View events. Linking websites organize these links by, for example, sports type or sporting event, to make them easily accessible. Users simply click on a link to begin the process of downloading or streaming to their own computer an illegal broadcast of a sporting event or Pay-Per-View event from the third-party website that is hosting the stream. Linking websites

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<sup>1</sup> "Cyberlocker" websites allow users to upload infringing content and often feature high-capacity data connections that allow users conveniently to download or stream that content relatively quickly. Cyberlocker websites also may allow users to search for and download specific content directly without first going through a linking site. Finally, a cyberlocker may use different servers to host its webpage, receive uploads, and handle downloading or streaming content. Each computer server connected to the Internet is identified by one or more internet protocol ("IP") addresses, which are unique machine-readable numeric addresses that computers use to identify each other on the Internet.

<sup>2</sup> For purposes of this complaint, a "link" is code that specifies a particular webpage or file on the Internet. If clicked on by a user, a link can, for example, bring up the relevant web page in an Internet browser or run a program. For example, "<http://movies.nytimes.com/2010/06/18/movies/18toy.html?scp=1&sq=toy%20story%203&st=cse>" is a link to a webpage containing the New York Times' review of the movie "Toy Story 3." A "link" may also be referred to as a "Uniform Resource Locator" or "URL."

are popular because they allow users to quickly browse content and locate illegal streams that would otherwise be more difficult to find through manual searches of the Internet. Moreover, linking websites also often allow users to post additional links to infringing content.

13. During the course of the investigation, agents accessed and monitored the websites accessible via the Defendant Domain Names using computers located in the borough of Manhattan in New York, New York, as well as in Westchester County, New York, and used those websites to stream portions of copyrighted broadcasts of sporting events and/or Pay-Per-View events.

The Defendant Domain Names

14. In connection with the investigation, and based on their review of the various webpages that were accessible via that Defendant Domain Names prior to February 1, 2011, agents learned the following:

a. When an Internet user typed either of the Defendant Domain Names into that user's web browser, that user was directed to a main website homepage that was the same for either of the domain names and that carried the same IP address. The only difference in the main page between the Defendant Domain Names was that the URL would either display "Rojadirecta.org" or "Rojadirecta.com" in the address bar of the user's web browser, depending solely on which name the user had typed to access the

website (hereafter, the website that was accessible via the Defendant Domain Names will be referred to generally as "Rojadirecta"). Rojadirecta was a "linking" website. The website provided links to daily live sporting events and Pay-Per-View events, as well as downloadable sporting events or Pay-Per-View events that had been previously aired. The Rojadirecta homepage displayed three general categories of links to content that was available for viewing: (1) "Today On Internet TV"; (2) "Download Last Full Matches"; and (3) "Last Video Highlights." Links for daily sporting events were displayed under the "Today On Internet TV" category header. (A copy of the Rojadirecta homepage as it appeared on or about January 31, 2011 is attached hereto as Exhibit A).

b. The links displayed for various live sporting events and Pay-Per-View events changed on a daily basis. The links for sporting events were added as the day progressed and an event's starting time drew closer. The sporting events and their starting times corresponded to individual leagues' official events and starting times.

c. After selecting an individual link from the Rojadirecta homepage, the user was taken to a new window, which displayed the selected program and bore a URL containing the words "rojadirecta." Because the content ran on a live stream from another website, the selected show did not start at the



beginning of the program; instead, the program ran from whatever particular point the show was presently at in the stream. In addition, advertisements were periodically displayed at the bottom of the video during the live stream. These advertisements were separate and distinct from any commercials that may have been aired during the stream of the sporting event broadcast. For example, on or about January 12, 2011, at approximately 8:41 p.m., when agents participating in the investigation selected the link for "7:30 p.m. Hockey (NHL): Pittsburgh - Montreal," agents were given the option to choose a link from several different links for that individual sporting event. The links displayed the type of link, the name of the broadcasting station (e.g., "ESPN"), the language, and the type of Internet media player. Once a specific link option was selected, the agents were brought to a new Rojadirecta webpage, and the live NHL broadcast of the Pittsburgh Penguins vs. Montreal Canadians hockey game began. The broadcast was shown in real time and was the same broadcast as the authorized broadcast of that same event. Agents learned from their conversations with representatives of the NHL that as of January 12, 2011, the NHL had not authorized third party distribution over the Internet of its broadcasts on Rojadirecta.

d. According to Alexa.com,<sup>3</sup> as of on or about January 27, 2011, Rojadirecta.org was the 2,380th most popular website in the world and the 119th most popular website in Spain. According to Compete.com,<sup>4</sup> the number of monthly unique visitors to Rojadirecta.org had increased from 44,623 in or about February 2010 to 96,986 in or about December 2010.

e. According to Alexa.com, as of on or about January 27, 2011, Rojadirecta.com was the 2,326th most popular website in the world and the 109th most popular website in Spain. According to Compete.com, the number of monthly unique visitors to Rojadirecta.com had increased from 67,476 in or about February 2010 to 99,316 in or about November 2010.

f. A review of public records has revealed that prior to February 1, 2011, the Defendant Domain Names were hosted on a computer assigned the IP address 67.212.67.250, which was hosted at an Internet Service Provider in Canada.

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<sup>3</sup> Alexa.com is a "web traffic metric service," meaning that it performs a function similar to the traditional Nielsen television ratings service. Among other things, Alexa.com measures the amount of visitors to a particular website relative to other websites on the Internet, provides an overall ranking of the website's popularity, and collects other information relating to the website, including the number of other websites that link to it.

<sup>4</sup> Compete.com is a web page analytics service that tracks consumer behavior on the Internet, including the number of unique visitors to a particular website from month to month.

15. ICE agents used the website accessible via [Rojadirecta.org](http://Rojadirecta.org) to stream illegal telecasts of sporting events and/or Pay-Per-View events. On or about the dates listed in the chart below, agents clicked on links for the below-listed events at [Rojadirecta.org](http://Rojadirecta.org), and streamed portions of the selected events in a manner that indicated that the entire event had been made available to users (the "Captures"). Specifically, agents viewed portions of the stream at various intervals during the event, rather than the entirety of the stream.

Date	League	Event Viewed	Duration of Captures
December 19, 2010	NFL	Jets vs. Steelers	0 hr 10 min 25 sec 0 hr 08 min 21 sec 0 hr 08 min 07 sec 0 hr 09 min 58 sec
December 19, 2010	WWE	Pay-Per-View TLC	0 hr 06 min 35 sec 0 hr 05 min 57 sec
December 20, 2010	NFL	Bears vs. Vikings	0 hr 06 min 34 sec 0 hr 09 min 47 sec 0 hr 04 min 36 sec 0 hr 08 min 29 sec
December 28, 2010	NBA	Knicks vs. Heat	0 hr 07 min 45 sec 0 hr 09 min 46 sec 0 hr 06 min 13 sec
December 28, 2010	NFL	Eagles vs. Vikings	0 hr 10 min 09 sec 0 hr 12 min 56 sec 0 hr 13 min 08 sec
December 29, 2010	NHL	Islanders vs. Penguins	0 hr 07 min 10 sec 0 hr 06 min 16 sec 0 hr 07 min 31 sec
January 3, 2011	NHL	Bruins vs. Maple Leafs	0 hr 10 min 19 sec 0 hr 07 min 09 sec 0 hr 06 min 20 sec
January 3, 2011	WWE	Monday Night Raw	0 hr 10 min 17 sec 0 hr 06 min 52 sec
January 4, 2011	NHL	Lightning vs. Capitals	0 hr 06 min 48 sec 0 hr 06 min 18 sec 0 hr 07 min 16 sec

Date	League	Event Viewed	Duration of Captures
January 4, 2011	NBA	Spurs vs. Knicks	0 hr 06 min 45 sec 0 hr 06 min 34 sec 0 hr 07 min 13 sec 0 hr 07 min 53 sec
January 5, 2011	NBA	Bucks vs. Magic	0 hr 06 min 48 sec 0 hr 07 min 48 sec 0 hr 06 min 11 sec 0 hr 08 min 06 sec

16. Based on conversations with representatives of the NFL, NBA, NHL, and WWE, agents learned that as of January 25, 2011, all of the aforementioned events were copyrighted, and that the copyright holders did not authorize their third party distribution over the Internet by Rojadirecta.org.

17. ICE agents also used the website accessible via Rojadirecta.com to stream illegal telecasts of sporting events and/or Pay-Per-View events. On or about the dates listed in the chart below, ICE agents personally clicked on links for the below-listed events on Rojadirecta.com, and streamed portions of the selected events in a manner that indicated that the entire event had been made available to users.

Date	League	Event Viewed	Duration of Captures
December 12, 2010	NFL	Bengals vs. Steelers	1 hr 32 min 54 sec 1 hr 04 min 07 sec
December 12, 2010	NFL	Dolphins vs. Jets	0 hr 08 min 43 sec
December 13, 2010	NFL	Giants vs. Vikings	0 hr 17 min 06 sec

Date	League	Event Viewed	Duration of Captures
December 14, 2010	NBA	Timberwolves vs. Warriors	0 hr 08 min 33 sec 0 hr 10 min 44 sec 0 hr 12 min 34 sec 0 hr 13 min 10 sec 0 hr 12 min 30 sec 0 hr 09 min 08 sec
December 14, 2010	NHL	Penguins vs. Flyers	0 hr 00 min 59 sec 0 hr 09 min 24 sec 0 hr 04 min 18 sec 0 hr 09 min 10 sec 0 hr 08 min 34 sec 0 hr 01 min 45 sec
December 15, 2010	NBA	Celtics vs. Knicks	0 hr 07 min 32 sec 0 hr 07 min 41 sec 0 hr 05 min 38 sec 0 hr 09 min 19 sec
December 15, 2010	NHL	Rangers vs. Penguins	0 hr 07 min 27 sec 0 hr 07 min 13 sec 0 hr 08 min 21 sec
December 16, 2010	NBA	Wizards vs. Nets	0 hr 05 min 25 sec 0 hr 06 min 27 sec 0 hr 05 min 10 sec
December 16, 2010	NFL	49ers vs. Chargers	0 hr 04 min 06 sec 0 hr 03 min 57 sec 0 hr 06 min 09 sec 0 hr 04 min 47 sec
December 16, 2010	NHL	Islanders vs. Ducks	0 hr 01 min 49 sec 0 hr 04 min 15 sec 0 hr 05 min 35 sec
December 19, 2010	WWE	Pay-Per-View TLC	0 hr 06 min 41 sec 0 hr 06 min 49 sec 0 hr 06 min 42 sec 0 hr 02 min 51 sec
January 1, 2011	UFC	Pay-Per-View 125	0 hr 04 min 43 sec 0 hr 06 min 17 sec 0 hr 06 min 36 sec 0 hr 05 min 25 sec
January 3, 2011	NHL	Bruins vs. Maple Leafs	0 hr 06 min 31 sec 0 hr 06 min 18 sec 0 hr 07 min 06 sec
January 3, 2011	WWE	Monday Night Raw	0 hr 10 min 40 sec 0 hr 08 min 15 sec
January 4, 2011	NHL	Lightning vs. Capitals	0 hr 06 min 43 sec 0 hr 06 min 00 sec 0 hr 06 min 07 sec

Date	League	Event Viewed	Duration of Captures
January 5, 2011	NBA	Bucks vs. Magic	0 hr 09 min 09 sec 0 hr 05 min 06 sec 0 hr 06 min 16 sec 0 hr 06 min 11 sec

18. Based on conversations with representatives of NFL, NBA, NHL, WWE and UFC, agents learned that as of January 25, 2011, all of the aforementioned events were copyrighted, and that the copyright holders did not authorize their third party distribution over the Internet by Rojadirecta.com.

19. In light of the foregoing, on January 31, 2011, Special Agent Daniel M. Brazier of ICE submitted an affidavit in support of an application for a warrant to seize the Defendant Domain Names. A warrant was issued that same day by the Honorable Frank Maas, United States Magistrate Judge for the Southern District of New York, who found probable cause to believe that the Defendant Domain Names were subject to forfeiture because they had been used to commit and facilitate criminal copyright infringement and contained evidence of that crime. The Defendant Domain Names were subsequently seized by ICE pursuant to this warrant on February 1, 2011.

20. Since the time of the February 1, 2011 seizure of the Defendant Domain Names, ICE agents have learned that Rojadirecta is presently accessible on the Internet via the following domain names, among others: Rojadirecta.es and Rojadirecta.me.

III. CLAIM FOR FORFEITURE

21. Incorporated herein are the allegations contained in paragraphs one through twenty of this Complaint.

22. Pursuant to Title 18, United States Code, Section 2323(a)(1)(A) the following property is subject to forfeiture: "[a]ny article, the making or trafficking of which, is prohibited under section . . . 2319 . . . [or] 2319B."

23. Furthermore, 18 U.S.C. § 2323(a)(1)(B) further subjects to forfeiture "[a]ny property used, or intended to be used, in any manner or part to commit or facilitate the commission of an offense referred to in subparagraph (A)."

24. The Defendant Domain Names are subject to forfeiture pursuant to Title 18, United States Code, Sections 2323(a)(1)(A)-(B) because there is probable cause to believe that they constitute property used or intended to be used to willfully infringe a copyright in violation of 18 U.S.C. § 2319 and/or unlawfully transmit copyrighted sporting event telecasts in violation of 18 U.S.C. § 2319B.

25. By reason of the above, the Defendant Domain Names became, and are, subject to forfeiture to the United States of America, pursuant to Title 18, United States Code, Sections 2323(a)(1)(A)-(B).

WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the Defendant Domain Names and that all persons having an interest in the Defendant Domain Names be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the Defendant Domain Names to the United States of America for disposition according to law, and that this Court grant plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York  
June 17, 2011

PREET BHARARA  
United States Attorney for  
the Southern District of New York  
Attorney for the Plaintiff  
United States of America

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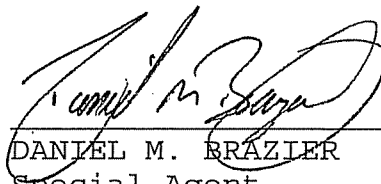


VERIFICATION

STATE OF NEW YORK )  
COUNTY OF NEW YORK :  
SOUTHERN DISTRICT OF NEW YORK )

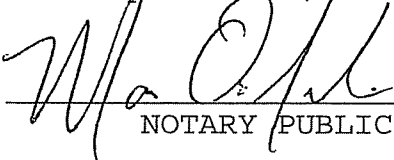
DANIEL M. BRAZIER, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Bureau of Immigration and Customs Enforcement, and as such has responsibility for the within action; that he has read the foregoing complaint and knows the contents thereof, and that the same is true to the best of his own knowledge, information and belief.

The sources of deponent's information and the ground of his belief are conversations with other law enforcement officers and others, official records and files of the Bureau of Immigration and Customs Enforcement, and the United States Government, and information obtained directly by deponent during an investigation of alleged violations of Title 18, United States Code.



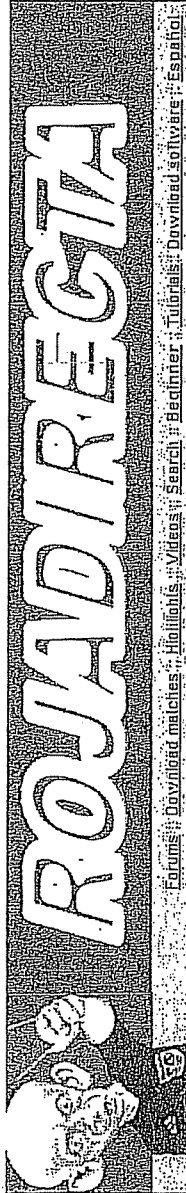
DANIEL M. BRAZIER  
Special Agent  
U.S. Dept. of Homeland Security  
Bureau of Immigration  
and Customs Enforcement

Sworn to before me this  
17<sup>th</sup> day of June, 2011

  
NOTARY PUBLIC

MARCO DASILVA  
Notary Public, State of New York  
No. 01DA6145603  
Qualified in Nassau County  
My Commission Expires May 8, 2014

# **EXHIBIT A**



[Forums](#) | [Downloads](#) | [Matches](#) | [Highlights](#) | [Videos](#) | [Search](#) | [Beginner](#) | [Tutorials](#) | [Download Software](#) | [Español](#)

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[Today on Internet TV](#) | [Live Streams](#) | [Open Channel](#) | [Ziggo](#)

[Real Racing Santander](#) | [Search](#)

2:45pm	Série B: Frognone Calcio - Atalanta
3:00pm	Tennis (ATP Sanlago); Movistar Open 2011 (3:00pm-10:00pm)
3:00pm	Friendly; OB Odense - Helsingborg IF
3:00pm	La Liga: Real Racing Santander - Valencia CF
4:30pm	Sudamericano sub20; Uruguay - Colombia
5:30pm	Campeonato Mineiro (BRA); Democrata - America Teófilo Otoni
5:30pm	Campeonato Pernambucano (BRA); Sport Club do Recife - Vitória das Tabocas
7:00pm	Sudamericano sub20; Argentina - Ecuador
7:00pm	Basket (NBA); Toronto - Indiana
7:00pm	Basket (NBA); Denver - New Jersey
7:30pm	Basket (NBA); Cleveland - Miami
8:00pm	Basket (NBA); Orlando - Memphis
8:30pm	Basket (NBA); Washington - Dallas
9:00pm	Basket (NBA); Charlotte - Utah
9:00pm	Wrestling (WWE); Raw (9:00pm-11:30pm)
9:10pm	Sudamericano sub20; Chile - Brazil
10:30pm	Basket (NBA); Milwaukee - LA Clippers

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- FUTBOL 2A(Liga Adelante); Tem. 2010-11 Jori. 22[...]
  - VOLIBOL Superliga Masculina J14; Calasol Juva...
  - FUTBOL Liga BBVA J21; RCD Espanyol - Villarrea...
  - Top Gear S16 E02 - Episode 2
  - NHL 2010-2011 / NHL 58th All star Game - 2011/...
  - FA Cup Highlights Round4 (30/01/11)
  - BALONCESTO Copa Príncipe FINAL; Blu;sens; Michbu;
- [Last video highlights](#)
- España La Liga:Goles Jornada:21 Alls; Goals:f2
  - Brasil Campeonato Carioca - Vasco da Gama - Fl...
  - Brasil Campeonato Gaúcho - Grêmio - Internacio...
  - México 1a División :: U.N.A.M. vs Monterrey
  - Argentina Amistoso: Chacarita Jrs - Argentinos...
  - Handball - IHF Men's World Championship - Fina...
  - Handball - IHF Men's World Championship:Bronze...
  - Amistoso Internacional: Atl. Nacional - Racing...
  - Torneo de Verano: Boca Juniors vs San Lorenzo ...
  - España La Liga: Espanyol-Villarreal 30/01/11
  - Friendly: Austria Vienna - Haiduk Split 29-01-...
  - Italy Serie A:Juventus-Udinese (30/01/2011)

