

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SONY MUSIC ENTERTAINMENT, SONY
MUSIC ENTERTAINMENT US LATIN
LLC, ARISTA RECORDS LLC,
PROVIDENT LABEL GROUP LLC,
RECORDS LABEL, LLC, and ZOMBA
RECORDING LLC,

Plaintiffs,

V.

TRILLER, INC.,

Defendant.

Civil Action No. 22-cv-7380 (PKC)

FIRST AMENDED COMPLAINT

TRIAL BY JURY DEMANDED

Plaintiffs Sony Music Entertainment, Sony Music Entertainment US Latin LLC, Arista Records LLC, Provident Label Group LLC, Records Label, LLC, and Zomba Recording LLC (collectively, “Sony Music”), by and through their attorneys, for their Complaint against Defendant Triller, Inc. (“Triller”), allege, on personal knowledge as to matters relating to themselves and on information and belief as to all other matters, as set forth below:

NATURE OF THE ACTION

1. This is a copyright infringement and contract action by Sony Music against Triller for Triller's willful and unauthorized use of Sony Music's copyrighted sound recordings in Triller's commercial social media service; and for Triller's failure and refusal to pay millions of dollars in contractual licensing fees that Triller agreed to pay for the use of Sony Music's copyrighted content in Triller's commercial service.

2. Sony Music and its recording artists have been at the forefront of recorded music for over a century. Sony Music produces, manufactures, distributes, sells, and licenses some of

the most iconic and popular sound recordings, by some of the most important recording artists of all time. Through its enormous investments of money, time, and exceptional creative efforts, Sony Music and its representative recording artists have developed, marketed, and distributed some of the world's most famous and popular music both in the United States and internationally. As a result of these efforts, Sony Music owns and/or controls exclusive rights to the copyrights in classic works ranging from Janis Joplin's "Summertime" and Run DMC's "It's Tricky," to contemporary hits such as Doja Cat's "Say So," Lil Nas X's "Old Town Road," Khalid's "Location," and 24kGoldn's "Mood," and countless other hits across generations.

3. Sony Music works hard to ensure the widespread, authorized availability and enjoyment of its recorded music, including by licensing its sound recordings for use by others. When companies exploit Sony Music's sound recordings for commercial benefit without authorization, neither Sony Music nor its artists see a dime. Not only does this harm Sony Music and the artists by depriving them of compensation, but it harms the public at large by reducing the incentive to invest in the creation and dissemination of new music.

4. Triller is the developer, distributor, and operator of a "social media and music discovery experience" website and application, available at the triller.co domain and on iOS and Android, respectively (collectively, the "Triller App"). The Triller App allows users to search for and pick a sound recording from Triller's audio library to listen to and include in "celebrity-quality music video[s] starring you and your friends." These videos are then posted to the Triller App, allowing other users to stream or download the videos. The Triller App "has more than 350 million downloads." Triller's entire product, service and offering is built upon popular music, including Sony Music's copyrighted sound recordings, which Triller exploits through the Triller App and its videos.

5. Triller is a sophisticated party that purports to take intellectual property rights seriously, at least when it benefits Triller. For example, in its Terms of Service, Triller defines its own intellectual property rights in the broadest manner possible, and requires its users to agree, as a condition of use, that any “unauthorized use of the [Triller’s intellectual property] may violate copyright, trademark, privacy, publicity, communications, and other laws, and any such use may result in your personal liability, including potential criminal liability.”

6. Despite extolling the importance and value of “innovative technology and intellectual property,” and claiming to hope that its efforts to curb copyright infringement “will set a precedent for us and all content creators going forward that stealing is not going to be tolerated,” Triller displays brazen contempt for the intellectual property rights of Sony Music, its artists, and others.

7. Recognizing the need for authorization to use Sony Music’s sound recordings and the value of Sony Music’s catalog, Triller entered into a content distribution agreement with Sony Music, effective September 1, 2016 (inclusive of all subsequent amendments, the “Agreement”). In exchange for a licensing fee and other consideration, Sony Music authorized, or agreed not to object to, Triller reproducing, distributing, publicly performing, creating derivative works, displaying, and otherwise exploiting Sony Music sound recordings, artwork, sound recording clips, user-created clips, and metadata (collectively, “Sony Music Content”) through the Triller App, as detailed in Sections 4, 6 and 7 of the Agreement.

8. In the past six months alone, Triller claims to have expanded extensively, acquiring the companies Julius and Fangage, and touting a surge in usage of the Triller App. Despite this self-proclaimed growth, Triller has failed and refused to make the required license payments to Sony Music under the Agreement.

9. While Triller had historically failed to make payments in a timely manner under the Agreement, its failures recently escalated. Starting in March 2022, Triller failed to make any monthly payments required under the Agreement, totaling millions of dollars. Failure to pay the licensing fee is a breach of the Agreement. After months of Sony Music requesting that Triller pay its outstanding and overdue fees, and near-total radio silence in response, Sony Music notified Triller on July 22, 2022 that it was in material breach of the Agreement. After Triller failed to substantively respond, much less cure, its breach of the Agreement by making payment, Sony Music terminated the Agreement on August 8, 2022. In doing so, Sony Music expressly informed Triller that its continued use of Sony Music Content would constitute willful copyright infringement.

10. After Sony Music terminated the Agreement on August 8, 2022, Triller had no legal rights to use Sony Music Content on the Triller App. Nevertheless, Triller has continued to reproduce, distribute, publicly perform, create derivative works, and otherwise exploit the valuable Sony Music Content in connection with the Triller App.

11. Triller's conduct has caused and continues to cause substantial and irreparable harm to Sony Music and its artists, while enriching Triller at the expense of Sony Music and its artists. By this lawsuit, Sony Music seeks damages for Triller's breach of the Agreement and its willful infringement of Sony Music's copyrights since the August 8, 2022 termination of the Agreement; and an injunction to stop Triller's willful and deliberate campaign of infringement of Sony Music's and its artists valuable sound recordings.

THE PARTIES

Plaintiffs

12. Plaintiff Sony Music Entertainment is a Delaware general partnership, the partners of which are citizens of New York and Delaware. Sony Music Entertainment's headquarters and principal place of business are located at 25 Madison Avenue, New York, New York 10010.

13. Plaintiff Sony Music Entertainment US Latin is a Delaware Limited Liability Company with its principal place of business at 3390 Mary Street, Suite 220, Coconut Grove, Florida 33133.

14. Plaintiff Arista Records LLC is a Delaware Limited Liability Company with its principal place of business at 25 Madison Avenue, New York, New York 10010.

15. Plaintiff Provident Label Group LLC is a Delaware Limited Liability Company with its principal place of business at 741 Cool Springs Boulevard, Franklin, Tennessee 37067.

16. Plaintiff Records Label, LLC is a Delaware Limited Liability Company with its principal place of business at 25 Madison Avenue, New York, New York 10010.

17. Plaintiff Zomba Recording LLC is a Delaware Limited Liability Company with its principal place of business at 25 Madison Avenue, New York, New York 10010.

18. Sony Music is one of the most important record companies in the world, engaged in the business of producing, manufacturing, distributing, selling, licensing, and otherwise commercializing sound recordings in the United States and the world through various media. It invests substantial money, time, effort, and talent in creating, advertising, promoting, selling, and licensing unique and valuable sound recordings embodying the performances of its exclusive and world-class recording artists.

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